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THE GRANDEUR AND DECADENCE
OF THE ROMANS.

MONTESQUIEU'S
CONSIDERATIONS ON THE CAUSES
OF THE
GRANDEUR AND DECADENCE
OF THE ROMANS:

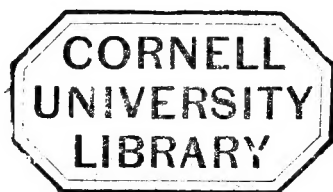
A NEW TRANSLATION,
TOGETHER WITH
AN INTRODUCTION, CRITICAL AND ILLUSTRATIVE NOTES,
AND AN ANALYTICAL INDEX:

BY
JEHU BAKER:

*BEING INCIDENTALLY A RATIONAL DISCUSSION OF THE PHENOMENA
AND THE TENDENCIES OF HISTORY IN GENERAL.*

Those whom we call ancients were really new in all things, and formed, properly speaking, the infancy of the human race; and, as we have added to their knowledge the experience of all succeeding centuries, it is in *ourselves* that may be found that antiquity which we reverence in *them*.—PASCAL.

NEW YORK:
D. APPLETON AND COMPANY.
1882.



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P R E F A C E.

THE manuscript of this volume—aside from some revision and emendation recently made—was finished in 1876. The subject, however, is one against which time runs but slowly—if at all.

It will be seen that the book is by no means a mere translation of Montesquieu's treatise; but that, beyond this, the Romans are used as a nexus for all antiquity, and the general movement of the world's civilization sought to be inferred.

There must be errors; but, in view of the nature and difficulties of the task undertaken, it seems obvious that criticism should be considerate and candid—no more is asked.

The Notes which have been contributed by myself are duly indicated as such; those which are inclosed in *brackets* have been supplied by the French editors; all others are Montesquieu's.

BELLEVILLE, ILLINOIS, *March 16, 1882.*

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TRANSLATOR'S INTRODUCTION.

I. As to the motive which has prompted the preparation of this edition of Montesquieu's *Considerations on the Causes of the Grandeur and Decadence of the Romans*, I will only say, that it having occurred to me that the place occupied in American thought by this celebrated work was by no means proportionate to its merits, the idea thence presented itself of bringing it forward in a new translation—associating the text with such Notes as might serve not only to place the original work in proper relation to the present status of critical history, but serve withal—in an incidental manner—to place the spirit of Roman history, and of ancient history in general, in proper comparison with the spirit of modern times. The realization of the first object would be the same—difference of time allowed for—as that which was so admirably accomplished by the original work nearly a hundred and fifty years ago: it would be to present the general spirit of Roman history—as now apprehended—with- in the narrowest limits of verbal expression. The realization of the second object would be not only to

give an adequate idea of the relative quality and value of the Roman civilization, but of the ancient civilizations generally, when brought into comparison with the civilization of the modern world—and this, too, within a very limited compass of words. Both these objects are certainly very large and very important. How far they have been realized in the present volume is not for me to say. A man may know his target better than his skill to hit it.

II. As to the Author of the original treatise, it needs only to be said that he occupies a very eminent position among that small number of great modern thinkers who, measurably released from the limitations of their country and their age, have sought to discover the general reason which pervades the history and the institutions of mankind. In his devotion to this grand study his genius was remarkably self-centered and unitary. His *Persian Letters*, his *Considerations*, and his *Spirit of Laws*, are of a piece. The same quest of the general in the particular pervades them all. Nor has any writer of modern times acquired a reputation more honorable, or met with a success more signal. His genius—akin to the great subjects upon which he employed it—has overstepped the boundaries of states and languages, and exercised a marked influence upon the thought, and even upon the legislation, of many nations.

And yet, since no man can emancipate himself completely from his age and his surroundings, and

since all objective thought—especially that which belongs to rational history—is subject to a law of progressive growth, Montesquieu, in common with all the great positive thinkers of the world, has been supplemented by much which, although included within the range of his method, did not come within the scope of his conscious and definite recognition.

The most capital illustration of what has just been said is seen in connection with the idea *that a progressive movement pervades the history of the world*. This conception—to which present thought is strongly tending—and which will probably mature into a generalization rigorously supported by all the facts of history proper, of archæology, and of prehistoric research, had no just equivalent in the thought of the ancients. Their idea, as implied by Aristotle and expressed by Thucydides,¹ that the civilized societies then existing had arisen out of an earlier and ruder social condition, does not nearly come up to the level of the present view, and can only be regarded as a rudiment of the more mature phase of thought. Machiavelli—who may be selected as an excellent representative of the rise of the modern rational spirit, and to whom Montesquieu is in some respects closely related—appears to have had no conception whatever that the world's history is the scene of an ascensive change. His opinion was, that the progressive and retrogressive changes which take place upon

¹ Aristotle's *Politics*, Book I, ch. ii; Thucydides' *History*, Book I, ch. i.

the plane of universal history so balance each other that the condition of the world, viewed as a whole, remains the same.² And even in the writings of Montesquieu himself, the idea that a progressive movement, however irregular and complicated, extends through the history of mankind, cannot be traced with any considerable degree of completeness.

This great conception, in which all the particulars and all the lesser generalizations of man's historic life meet, and which seems eminently likely to take its place as the Prime Law of History, is the most general outcome of the comparative study of that immense mass of exact observations bearing upon the existing and the past estate of man which have been made for the most part within the present century, and even within the last fifty years.

Quite in harmony with this great generalization, many of the Notes which I have added are designed to indicate the comparative value of the Roman civilization, and, incidentally, the comparative value of the ancient civilizations in general, when estimated upon the scale of that progressive movement which is thus deemed to pervade the history of man. In the most comprehensive sense, all that we are in the habit of including in "ancient history" is regarded

² E pensando io come queste cose procedino, giudico il mondo sempre essere stato ad un medesimo modo, ed in quello esser stato tanto di buono quanto di tristo; ma variare questo tristo e questo buono di provincia in provincia: come si vede per quello si ha notizia di quelli regni antichi che variavano dall' uno all' altro per la variazione de' costumi; ma il mondo restava quel medesimo. *Discorsi*—Introduction to Book II.

as a middle term, preceded by a lower, and followed by a higher stage of development.

III. As to the ground-subject of the work, it seems just to say, that in a truly rational sense, a supreme interest attaches to Roman as distinguished from all other ancient history. This is chiefly if not wholly due to one main fact. *More than any other, the history of the Romans occupies a central position in universal history.* As regards the world's main stream of civilization, it may be said with substantial truth on the one hand, that all pre-Roman history meets in the Roman Republic and Empire—as many tributaries in one grand trunk—and on the other, that upon the dissolution of this great body, the powerful influence of its spirit, surviving the loss of its form, has penetrated to the limits of modern civilization. Thus, in the actual course which history has taken, the Romans have performed, upon a gigantic scale, the double office of receiving from the past and dispensing to the future; and this focal position, taken in connection with the very great influence thence exerted upon the world's civilization, must ever impart a leading interest to their history. Eminent writers have claimed for the history of France some such central position in reference to the development of modern Europe;³ but the figure of the Romans in this respect is altogether more colossal.

³ Guizot's *Histoire de la Civilisation en Europe*, Paris, 1871, pp. 6, 7; Stephen's *Lectures on the History of France*, London, 1852, i, 6, 7.

IDEA OF "THE GRANDEUR AND DECADENCE OF THE ROMANS."

FROM THE FRENCH OF LA HARPE.¹

As we see in the *Persian Letters* the germ of the *Spirit of Laws*, we think we also see in the *Considerations on the Grandeur and Decadence of the Romans* a detached part of that immense work which absorbed the life of Montesquieu. It is probable that he determined to make a separate treatise of these *Considerations* for the reason that, inasmuch as the Romans constitute a great subject in themselves, the author, who felt himself capable of the task, would not, on the one hand, rest either below his matter or below his talent,—whilst on the other, he feared that the Romans alone might occupy too large a place in the *Spirit of Laws*, and thus mar the just proportions of the work.

It is to this that we owe this excellent treatise, of which we have no model in our language, and which will endure as long as the language itself. It

¹ These remarks of La Harpe appear as a note at the end of the *Considerations*, Paris edition of 1866—the one I have used in making the present translation.—TRANSLATOR.

is a *chef-d'œuvre* of reason and of style, far surpassing Machiavelli, Gordon, Saint-Réal, Amelot de la Houssaie, and all the other political writers who have treated of the same subject. Never before were so many profound thoughts and luminous views brought together in so small a space. In view of the elevation and the difficulty of his subject, the merit of conciseness in the expression of moral truths, as naturalized in our language by Rochefoucauld and Bruyère, must yield to that of Montesquieu. They only circumscribed within a given measure, and in forms of remarkable expression, ideas of which the basis is in every mind capable of reflection, for the reason that every one has need of them: he adapted the same precision to grand objects of thought, beyond the reach and the usage of most men, and upon which he shed at the same time a new light.

By the manner in which he presents his thought, he causes us to see in the history of a people which has fixed the attention of the whole world that which no other had seen, and that which he alone seemed capable of seeing. He was able to perceive in the politics and the government of the Romans that which none of their own historians had detected. The one among them all who was most akin to him and whom he appears to have taken as a model in his manner of writing—Tacitus—who was, like himself, a great thinker and a great painter, has left us a fine treatise on the manners of the Germans: but how far is the

portrait of some semi-savage peoples, traced with an art and in colors which cause the eulogy of barbarians to be the satire of a corrupted civilization, surpassed by that vast tableau of twenty centuries, extending from the foundation of Rome to the capture of Constantinople, and condensed into a picture in which, notwithstanding its diminutive size, the objects lose nothing of their grandeur, but even become more salient and more striking! In this species of writing, what may be compared to so small a number of pages, in which, so to speak, we find fused and concentrated the whole spirit which sustained and animated the Colossus of the Roman power, and at the same time all the poisons which, after having long preyed upon it, caused it to fall in ruins beneath the strokes of the numerous nations which were united against it?

CONSIDERATIONS ON THE CAUSES
OF THE
GRANDEUR AND DECADENCE
OF THE ROMANS.¹

CHAPTER I.

THE BEGINNINGS OF ROME.—HER WARS.

WE should not form the same idea of Rome in its beginnings as that which is given us by the cities of the present day; unless indeed we except those of the Crimea—built to enclose plunder, animals, and the fruits of the country. The ancient names of all the principal places in Rome bore relation to such usage.

The city was even without streets, unless we call by that name the continuation of the roads which led to it. The houses were distributed without order, and were very small; for the men, constantly at work or assembled in the public place, passed but little of their time in houses.

¹ [This work—generally regarded as the *chef-d'œuvre* of Montesquieu—appeared in 1734. The author was then in the forty-fifth year of his age.]

But the grandeur of Rome appeared very soon in her public structures. The works which heretofore have given, and which yet give, the highest idea of her power, were constructed under the kings.² (a) The building of the eternal city was already commenced.

For the purpose of procuring citizens, wives or lands, Romulus and his successors were almost incessantly engaged in war with their neighbors. They returned home bringing with them the spoils of vanquished peoples—consisting of herds of cattle and sheaves of grain. These were occasions of great rejoicing in the city; and such was the origin of those Triumphs, which were in after times the principal cause of the grandeur of the Romans.

The power of Rome was greatly increased by her union with the Sabines, a people as hardy and as warlike as the Lacedæmonians, from whom they were descended. Romulus adopted their buckler, which was large, instead of the small Argive buckler which he had previously used.³ And it should be noted, that the circumstance which contributed most to render the Romans masters of the world was, that having contended successively against all nations, they invariably renounced their own usages as soon as they found better.

² Witness the astonishment of Dionysius of Halicarnassus in connection with the sewers constructed by Tarquin. (*Ant. Rom.*, Book III.) They exist yet.

(a) Consult my *Note* at the end of this chapter.—TRANSLATOR,

³ PLUTARCH, *Life of Romulus*.

Among the republics of Italy at that time, it was the opinion of men that the treaties which they had entered into with a king did not bind them as towards his successor; and this, for them, was a species of law of nations. Thus, all who had been subdued by one king of Rome claimed to be free under another, and wars sprang continually from wars.

The long and peaceful reign of Numa was well calculated to arrest Rome in her mediocrity; and, if at this time she had had a larger territory, and a greater measure of power, there is some appearance that her fortune would have been fixed for ever.

One of the causes of her prosperity was that her kings were all great men. We do not find elsewhere in history an uninterrupted succession of such statesmen and such captains.⁴

In the infancy of societies, the chiefs of the state form the institutions; afterwards, the institutions form the chiefs of the state.

Tarquin took the crown without being elected, either by the senate or by the people.⁵ The kingly power became hereditary; he rendered it absolute; and these two revolutions were speedily followed by a third.

In the violation of Lucretia, Tarquin's son Sextus committed an act which has almost always caused

⁴ This is apparent from the whole course of the history of the kings.

⁵ The senate named a magistrate for the interregnum, who elected the king: this election had to be confirmed by the people. Dionys. Hal., lib. ii, iii, and iv.

tyrants to be driven from the cities which they have ruled; for the people—stung by such an act into a keen sense of their servitude—are at once precipitated upon an extreme resolution. A people can easily endure the exaction of a new tribute; for they do not know but that some benefit may inure to themselves from the use which may be made of the money; but when they are subjected to insult, they feel nothing but their own misery, and they add thereto the idea of all the evils which are possible.

It is however true that the death of Lucretia was only the occasion of the revolution which followed;⁶ for a people who are at once proud, enterprising, courageous, and enclosed within walls, must necessarily throw off their yoke, or experience a softening of their manners.

It was necessary that one of two things should take place; either that Rome should change her form of government, or that she should continue to be a small and a poor monarchy.⁷

⁶ In a similar sense Machiavelli: "Tarquin was not therefore driven out because his son Sextus had violated Lucretia, but because he had broken the laws of the kingdom, and governed it tyrannically. . . . And if the incident of Lucretia had not taken place, as soon as some other accident had happened, it would have led to the same result." (*Discorsi*, lib. iii, cap. v.) It is one of the laws of historical causation, that the really effective causes of great external changes very often accumulate in silence, until some occasional event performs the office of exciting them into open activity, and thus wins, in a superficial way of thinking, the reputation of being the substantial cause of the change.—TRANSLATOR.

⁷ Here again Machiavelli expresses himself in a similar sense: "I am of opinion that it was necessary, either that the kings should be set aside,

Modern history furnishes us an example of the same thing which then took place in Rome: and this is very noteworthy; for, since men have had the same passions in all ages, the occasions which produce great changes are different, but the causes are always the same. As Henry VII of England increased the power of the commons for the purpose of humbling the aristocracy, Servius Tullius before him had extended the privileges of the people in order to humble the senate.⁸ But the people—become at once more bold—overthrew the one and the other monarchy.

The portrait of Tarquin has not been flattered. His name has escaped none of the orators who have had occasion to speak against tyranny. But his conduct before his misfortune—which one sees that he foresaw; his lenity towards conquered peoples; his liberality to soldiers; that art which he had, of so greatly interesting men in his conversation; his public works, his courage in war, his constancy in adversity, his continual resources; the war of twenty years duration, which, without kingdoms and without wealth, he made or caused to be made upon the

or that Rome, in a very short time, should become weak and powerless; for, considering how corrupt the kings were become, if there had been a succession of two or three such reigns, until the corruption which the kings had contracted had begun to extend to the members, since the members also would have thus become corrupted, reformation would have been forever impossible. But, putting aside the head of the state while the body was yet sound, it was easy to establish regulated liberty.” (*Discorsi*, lib. i, cap. xvii.)—TRANSLATOR.

⁸ See Zonaras, and Dionys. Hal., lib. iv.

Roman people—enable us to see very clearly that he was not a man to be despised.

The places assigned by posterity to men are subject, like others, to the caprices of fortune. Woe to the reputation of a prince who is opposed by a party which becomes dominant, or who has attempted to destroy a prejudice which survives him!

Rome, having expelled the kings, established annual consuls; and this was another of the causes which conducted her to such a height of power. Princes experience periods of ambition in the course of their lives, after which other passions, and even sloth itself, succeed. But the Republic having chiefs who were changed every year, and who sought to signalize their magistracy in order to obtain a renewal of it, there was not a moment to be lost to ambition. They engaged the senate to propose war to the people, and showed it new enemies every day.⁹

The senate was already sufficiently inclined of itself to the policy of war; for, being incessantly harassed by the complaints and the demands of the people, it sought to divert them from their inquietudes by occupying them abroad.¹⁰

And war was almost always agreeable to the people themselves; for, by a wise distribution of its spoils, a means had been found of rendering it profitable.

⁹ For some strictures upon the consular system of the Romans, consult my *Note* at the end of this chapter.—TRANSLATOR.

¹⁰ Besides, the authority of the senate was less limited in affairs without than within the city.

Rome being a city without commerce, and almost without arts, pillage was the only means which private individuals had of enriching themselves.

The manner of pillaging was therefore regulated by discipline, and nearly the same order was observed as that which is at present practiced among the Tartar tribes.

The booty was first deposited in common,¹¹ and then it was divided among the soldiers. Nothing was lost; for, before setting out, each one took an oath that he would appropriate nothing to his own use; and of all the peoples of the world the Romans were the most religious in the observance of the oath—a quality which was at all times the very nerve of their military discipline.

Finally, the citizens who remained at home participated also in the fruits of victory. A portion of the lands of the conquered people was confiscated and divided into two parts, one of which was sold for the benefit of the public, whilst the other was allotted to poor citizens, subject to a rent reserved in favor of the state.

Not being able to obtain the honors of a triumph except by the achievement of a conquest or a victory, the consuls made war with extreme impetuosity. They marched straight to the enemy, and force decided at once.

Rome was therefore engaged in ceaseless, and al-

¹¹ See Polybius, lib. x.

ways violent war. But, a nation which was thus constantly at war—and that too by the very principle of its organization—had necessarily to perish or to overcome all the others, which, sometimes at war and sometimes in a state of peace, were never in such proper condition for attack, nor so well prepared for defence.

By this incessant prosecution of war, the Romans acquired a profound knowledge of the military art. In the case of occasional wars, most of the examples are lost; peace brings in other ideas, and men forget their faults and even their virtues.

Another consequence of the principle of continual war was that the Romans never made peace except as conquerors. Where, indeed, was the profit, in making a discreditable peace with one nation in order to proceed to the attack of another?

Under the influence of this idea, it was their habit to increase their pretensions in the measure of their reverses. They thus dismayed the victorious enemy, and imposed upon themselves the utmost necessity of conquering.

Always exposed to the most frightful vengeance, constancy and valor became necessary to them; nor could these virtues be distinguished in the Roman mind from the love of self, of family, of country, and of all that is held dearest among men.

The peoples of Italy made no use of machines adapted to the prosecution of sieges;¹² and as, in ad-

¹² Dionysius of Halicarnassus says so formally, lib. ix; and it so ap-

dition to this, the soldiers received no pay,¹³ it was not possible to hold them for a long time before any one place. Thus it was that few of their wars were decisive. They engaged in battle for the plunder of the camps or lands of their enemies; after which the victor and the vanquished withdrew, each into his own city. It is this that explains the resistance of the Italian peoples, and at the same time the obstinacy of the Romans in the work of subjugating them. It was this that gave to the latter victories which did not corrupt them, and which left them in all their poverty.

If they had rapidly conquered all the neighboring cities, they would have been found in a state of decline at the arrival of Pyrrhus, of the Gauls, and of Hannibal; and, in conformity with the destiny of nearly all the states of the world, they would have passed too quickly from poverty to wealth and from wealth to corruption.

But, always striving and always meeting obstacles, Rome caused her power to be felt without being able to extend it; and, within a circumference which pears from history. They did not know how to construct galleries to cover themselves from the besieged. They endeavored to capture cities by scaling the walls. Ephorus says that Artemon, the engineer, invented large machines for battering the strongest walls. Plutarch says that Pericles first used these at the siege of Samos.—*Life of Pericles*.

¹³ The Roman infantry received no pay until the year of the City 349, nor the cavalry until the year 352, during the siege of Veii; thenceforward they were paid by the state. (Comp. Adam's, *Rom. Ant.*, Phila., 1872, p. 268, and Livy, Book IV, ch. 59, Book V, ch. 7).—TRANSLATOR.

was very small, she exercised those virtues which were to become so fatal to the world.

The peoples of Italy were not all equally warlike. The Etrurians were enervated by their wealth and by their luxury; the Tarentines, the Capuans, and nearly all the cities of Campania and Magna Grecia, languished in indolence and in the pursuit of pleasure. But the Latins, the Hernicans, the Sabines, the Æquians, and the Volscians, loved war passionately. They were situated around Rome; they offered to her an inconceivable resistance, and were her equals in point of obstinacy.

The Latin cities were colonies from Alba, founded by Latinus Sylvanus.¹⁴ Besides a common origin with the Romans, they had also common rites; and Servius Tullius had engaged them to have a temple built in Rome, to serve as a bond of union for the two peoples.¹⁵ Having been beaten in a great battle near the lake Regillus, they were reduced to an alliance and military association with the Romans.¹⁶

During the short time that the tyranny of the Decemvirs continued, we see to what an extent the aggrandizement of Rome depended upon her liberty. The state seemed to have lost the soul which caused it to move.¹⁷ There were but two sorts of people in

¹⁴ As we see in the treatise entitled: *Origo gentis romanæ*—which is believed to be by Aurelius Victor.

¹⁵ DIONYS. HAL., lib. iv.

¹⁶ See in Dionys. Hal. one of the treaties made with them.

¹⁷ Under pretext of giving written laws to the people, they seized the government.

the city—those who suffered servitude, and those who, for their own private interests, sought to impose it upon others. The senators withdrew as from a strange city; and the neighboring nations nowhere met with resistance.

The senate having found the means of giving pay to the soldiers, the siege of Veii was undertaken—a siege which lasted ten years. We now see a new art among the Romans, and another method of conducting war. Their successes are more striking, they profit better by their victories, they make greater conquests, and send out more colonies. The capture of Veii was a species of revolution.¹⁸

But the difficulties which they encountered were none the less. If they struck more powerful blows against the Etrurians, the *Æquians* and the *Volscians*, this led to the desertion of their allies, the *Hernicans* and the *Latins*, who had the same arms and the same discipline as themselves; it led to the formation of leagues among the Etrurians, and prompted the *Samnites*—the most martial of all the peoples of Italy—to make war upon them with the utmost fury.

From the time of the institution of pay, the senate ceased to distribute the lands of conquered peoples among the soldiers. It imposed other conditions upon the vanquished. It obligated them, for example, to

¹⁸ Veii was situated upon the opposite, or Etrurian side of the Tiber, and only about twelve miles from Rome—so small was yet the territory of the Romans, after three hundred and fifty years of all but incessant war.—TRANSLATOR.

furnish pay for the army during a certain time, and to supply it with clothing and food.¹⁹

The capture of Rome by the Gauls deprived it of none of its strength. The army, rather dispersed than vanquished, withdrew almost entire to Veii; the people saved themselves in the neighboring towns; and the burning of the city was no more than the burning of the cabins of a community of shepherds.

¹⁹ See the treaties which were made.

NOTE BY THE TRANSLATOR.

I. THE burning of Rome by the Gauls is referred to the year 365 of the city. It seems however that it was not wholly burnt. The Gauls, at least in the beginning of their occupancy, which is represented as extending to "many months," appear to have proceeded tentatively in the application of the torch—reserving a part of the town as a means of influencing the Capital and the Citadel to capitulate. These, together with "the temples of the gods" were at all events saved. Yet, the destruction was so great, that a powerful party, headed by the tribunes, is said to have favored the abandonment of Rome, and the transfer of its people to Veii, which had been acquired by the Romans a few years before—a measure which seems to have been agitated to some extent even before the burning of the city, and which was now effectually opposed by the superior influence of Camillus.¹

The cause which is assigned for this Gallic invasion, and the resulting disaster to the city of Rome, shows that the Gauls, at this early period—388 years

¹ See Livy, Book V., chs. 39–55, Spillan's trans., N. Y., 1871.

before Christ—had no mean idea of some of the principles of International Law. Three Roman brothers, bearing the name of Fabius, had been sent to them in the character of ambassadors, for the purpose of interceding in behalf of the Clusians, an Etrurian people whom the Senonian Gauls, freshly arrived from the north of the Alps, were pressing for territory. Having come to a rupture with the Gauls, these ambassadors joined the Etrurians in a battle against them—fighting, as the story runs, in the very van, and one of them killing a Gallic general with his own hand. Hereupon the Gauls dispatched an embassy to Rome, demanding that the three Fabii should be delivered up to them. The senate, embarrassed by the case, referred it to the people, who, so far from awarding any punishment whatever, conferred upon the ambassadors the distinction of Military Tribunes with consular power. Thereupon the Gauls, enraged that the offenders were not only not punished, but actually honored, seized their standards and advanced upon Rome. On their march to the city they appear to have acted honorably towards the intermediate peoples through whose states they passed, quieting their fears by loud shouts as they moved precipitately along, that they were on their way to Rome. So far as the cause of quarrel goes, our sympathies are decidedly with the Gauls.²

II. As regards the urban quality of Rome during

² *Idem*, chs. 35, 36, 37.

its early years, Livy states in effect that it was looked upon by its neighbors, not as a city, but as a menacing camp.³

Taken in connection with the ancient state of Southern Europe, Northern Africa and Southwestern Asia, the geographical position of Rome was admirably adapted to empire. The great capital was founded not very far from the center of these three vast areas—over which its influence and its power were destined to extend. In the speech which Camillus is represented as making, with the view of dissuading his countrymen from abandoning their own city and moving to Veii, we find a good statement of some of the natural advantages of the site chosen by the founders of the former city; advantages however which were obviously much better adapted to the circumstances of ancient than they are to those of modern times. “Not without good reason,” the dictator is represented as saying, “did gods and men select this place for founding a city: these most healthful hills; a commodious river, by means of which the produce of the soil may be conveyed from the inland countries, by which maritime supplies may be obtained; close enough to the sea for all purposes of commerce, and not exposed by too much proximity to the dangers of foreign fleets; a situation in the center of the regions of Italy, singularly adapted by nature to the increase of a city.”⁴

³ Book I, ch. 21.

⁴ Livy, Book V, ch. 54, Spillan's trans.

The immediate physical relations of the ancient city of Rome may be stated in few words. It stood in north latitude $41^{\circ} 53' 52''$, which is something more than one degree farther north than New York. It was therefore, geographically speaking, a northern rather than a southern city. It was built upon some moderate hills which rise upon the left bank of the Tiber, at a distance of about thirteen miles from the ancient mouth of this river. These hills—as indeed the whole face of the adjacent country—are of volcanic origin, indicating that in prehistoric times Rome and its environs were a scene of much more violent volcanic action than has been known within the period of history. The city stood near the sea level, it being ascertained by modern measurements that the river at Rome is twenty feet above the level of the Mediterranean.

The Tiber, like the Jordan, the Scamander and the Ilissus, derives its fame wholly from the human interest with which it is associated, and in no appreciable degree from its physical magnitude. In its whole course, from its rise in the Tuscan Apennines to its mouth, this celebrated river only measures about two hundred and twelve miles. It is navigable for boats of fifty tons burden for a distance of one hundred miles. At Rome it is one hundred yards wide, with a depth of twelve to eighteen feet. It is yellow, from commixture with the mud which it brings with it from the Apennines; and the deposit of this

mud at the mouth of the river has, since the time of the Romans, formed a delta of about two miles—the ancient sea-port of Ostia being now about that distance inland.⁵

III. The observation of Montesquieu in relation to the city of Rome, that “the works which heretofore have given, and which yet give, the highest idea of her power, were erected under the kings,” admits of comment. Such a statement appears to involve an improbable inversion of ideas, and is scarcely in harmony with facts, when rationally interpreted, although favored by an opinion of Livy and by an expression of Pliny.⁶

It is true that the physical dimensions of the city, as determined by the extent of the walls already established during the time of the kings, underwent no enlargement until near the close of the third century after Christ. “What are called the walls of Servius Tullius,” says Dr. Arnold, “continued to be the walls of Rome for nearly eight hundred years, down to the Emperor Aurelian.” It is also true that, in presence of the numerous small states into which ancient Italy was divided, the monarchy of the kings was a considerable one, embracing probably the whole of the little Latin Confederacy, besides something on

⁵ Sir George Head's *Tour in Rome*, London, 1849, Vol. 1, pp. 20–21; Arnold's *Hist. of Rome*, ch. iii; Mommsen's *Römische Geschichte*, Berlin, 1868, Vol. 1, p. 43; Chambers' *Enc.*, arts. *Tiber*, *Rome*; Anthon's *Clas. Dic.*, art. *Ostia*.

⁶ Livy, Book I, ch. 56; Adam's *Rom. Ant.*, Phila., 1872, p. 405; Pliny, xxxvi, 13.

the opposite side of the Tiber,—an extent of domain which was greatly reduced during the troubles which immediately followed the expulsion of the house of Tarquin, and which the Republic did not fully recover until long afterward.*

Still, Rome under the kings was yet rude, weak, and poor in comparison with what she ultimately came to be under the Republic and Empire; and it would be curious indeed, if in a truly judicious sense, the works which “give the highest idea of her power,” were constructed at this early and immature stage of her development. The chief works referred to the time of the kings were the Temple of Jupiter on the Tarpeian Hill, the great Circus, and the “principal Sewer” of the city. It is in reference to the sewers of Rome that Pliny makes the remark alluded to above, saying that “they are called the greatest of all works—passing under mountains—and that the city, suspended above, is navigated underground;” (*operum omnium dictu maximum, suffossis montibus, atque urbe pensili, subterque navigatâ.*) The mountains here referred to were the low hills upon which Rome stood; the material used in the construction of the sewers, according to Brocchi, was volcanic tufa—a sort of stone which is easily wrought; and, as for the subterranean navigation of the city, that must be accepted as a rhetorical flourish. Even granting that all these works were completed under

* See Arnold's *Hist. of Rome*, N. Y., 1857, pp. 20–22, 44, 48–49.

the kings—and it is known that much work was subsequently and repeatedly done on the Circus Maximus—we have to recount, at later periods, the Pantheon of Agrippa—far surpassing the old temple of Jupiter; the Amphitheatre of Statilius Taurus; the Colisæum of Vespasian and Titus; the Baths, the Basilicas, the hundreds of Temples by which the city was adorned; the immense system of Aqueducts by which it was supplied with water from a distance—and which as works of art must be adjudged as ranking the great Sewer of the Tarquins; the stone piered bridges which spanned so many of the rivers of Europe, especially the one over the Gardon at Nismes, and those of Trajan over the Tagus and the Danube; and above all, that grand system of massive stone Roads, connecting the Capital with the cities of Italy and the provinces of the Empire, and which were at once the greatest mechanical achievement of the Roman world, and the greatest of the kind in all history. Here was evident expansion in that assemblage of sensible objects which impresses an idea of power. As Rome developed in her language, her literature, her empire and her laws, she also developed in her material works.⁸

IV. I think also that the statement of Montesquieu in relation to the consular system of the Romans must be regarded as incomplete. The provision which was

⁸ See Livy, Book I, chs. 55, 56; Arnold's *Hist. of Rome*, ch. v, note 5; Adam's *Rom. Ant.*, LUDI CIRCENSES.

made by the republic in this respect is to be viewed rather as a necessity growing out of the imperfect state of Roman polity, than as an appointment wise in itself. The division of the command of the same forces between two chiefs of equal authority was much the same thing as a single body with two heads. The object appears to have been to prevent usurpation, by means of the mutual restraint which the two consuls would exercise upon each other. But, in thus accomplishing the object aimed at, the unity of the consular function was destroyed, and, consequently, the function itself very seriously impaired. In more perfect social organizations, checks are not provided for by thus sacrificing the unity of any of the great functions of the state, but by so adjusting them that they may mutually restrain each other, while left to operate with undivided energy in their respective spheres of action.

Doubtless the Roman consular system corresponded well with the particular stage of social development from which it sprang; but it is none the less certain that their dual consulate must be taken as evidence of a very imperfect political organization. It was by no means always that the two equal heads of the same army agreed in their views, or that either of them was willing to defer to the other. On numerous occasions the evils of a divided command manifested themselves, and sometimes in consequences which were extremely serious. Thus—to give a few

out of many examples—the defeat on the Trebia was preceded by a disagreement between the consuls—Scipio reluctant, and Sempronius pressing the battle; at a later period, when the master of the horse, Minucius, was made equal in authority with the dictator, Fabius, the army being divided into two independent commands, that of Minucius came near being destroyed by Hannibal before it could be succored by the other division; and everybody is familiar with the broils—well calculated to demoralize an army—which occurred between the two Roman chiefs on the eve of the fatal battle of Cannæ—Paulus vehemently opposing, and Varro more vehemently urging the conflict.

The custom was to divide the legions between the two consuls; but sometimes it seems each of the consuls commanded the whole army on alternate days. The Roman historian, Livy, was fully sensible of the defects of such an arrangement; and Machiavelli finishes his discussion of the subject with the judicious conclusion that “it is better to entrust a campaign to one commander of ordinary prudence than to two of the greatest ability and of equal authority”;⁹ a maxim which has been much approved, and which has been shortened into the blunt English, that “one bad general is better than two good ones.”¹⁰

⁹ *E puossi conchiudere veramente, come gli è meglio mandare in una spedizione un uomo solo di comunale prudenza, che duoi valentissimi uomini insieme con la medesima autorità.*

¹⁰ Adam's *Rom. Ant*, Phila., 1872, p. 76; Livy, Book XXI, chs. 52,

V. The reader needs hardly to be reminded of the uncertainty which attaches to much of the early history of Rome. But we should be careful not to carry our skepticism too far. As regards the great elements, from which the general movement and spirit of this section of Roman history may be rationally made out, we have a good foundation for historical credence. Prominent among these elements should be placed the following general facts.

1. That those kindred tribes which formed the Latin language and coalesced under the Roman name, had, in prehistoric times, emigrated from Asia; being—like the Hellenic tribes which formed the Greek language and the Greek states—an off-shoot from that great Aryan or Indo-European stock, whose primal, or at least whose very early seat, appears to have been somewhere in the interior of Southwestern Asia, and whose waves of dispersion extended to India in the one direction, and to Europe in the other.

2. That these immigrating tribes—destined in the fullness of time to establish the capital of the world upon the banks of the Tiber—found the Etrurians already old in Italy—a people of high civilization for ancient times—and who, in their turn, had been preceded in all parts of Italy by peoples in that social state, usually called savage, which is destitute of the use of metals, and dependent upon implements of stone.

53; Book XXII, chs. 27, 28, 29, 44, 45; Book IV, ch. 31; Machiavelli, *Discorsi*, lib. iii, cap. xv.

3. That the Romans started low, much lower than their Etrurian neighbors, to whom they sent for augurs and for master workmen, and to whom they were indebted for many of their religious rites, for their first mechanical and architectural structures, for their earliest decorative art, for their household utensils, for their coinage of copper money, for their institution of lictors, for their curule chairs of magistracy, and for their famous purple-fringed robe of state.¹¹

4. That they were governed first by kings, then by consuls, tribunes and magistrates; and, that from the time of the expulsion of the kings there was a constant internal struggle going on between the upper and the lower classes, and an equally constant external struggle with the surrounding nations.

5. That their laws were hard, their manners coarse, their customs cruel; and that, being wonderfully addicted to war, and none the less remarkable for those sorts of fortitude, cunning, and fraud, which are the accompaniments of incessant war in low states of society, they were enabled gradually to acquire ascendancy over their hardy neighbors.

These, and similar general elements of the early history of the Romans—intermixed, as we have seen, with reliable particulars—appear to be thoroughly credible, and, when taken together, they are quite

¹¹ Livy, Book I, chs. 8, 55, 56; Arnold's *Hist. of Rome*, N. Y., 1857, pp. 22-24; Francis Pulszky in *Indigenous Races of the Earth*, Phila., 1868, p. 173.

sufficient to enable us to form a tolerably distinct idea of the substance and spirit of the archaic history of this people. It is when we descend from such generalities to the mass of facts of a minor kind, that we come upon the appropriate field for critical selection, doubt, and positive disbelief.

In respect to credibility—when the application of the word is limited to all except such cardinal elements as have just been indicated—Roman history may be divided into four periods; the first extending from the beginning of the city to the expulsion of the kings; the second from the expulsion of the kings to the capture of the city by the Gauls; the third from the capture of the city to the second Punic war; and the fourth embracing the residue of Roman history, down to the fall of the empire. The detailed history of Rome becomes progressively more credible as we pass from the first to the closing member of this series of epochs.

The first period, commonly reckoned as commencing 753 years before Christ, and including 244 years, is intensely mythical and fabulous. The second, embracing 121 years, is only less indistinct and questionable than the first. Livy himself, who considers both these periods as one, regards their annals as obscure, not only on account of their antiquity, but also from the extremely limited use of letters in those early ages, and from the further circumstance that the pontifical and other records were mostly

destroyed when the city was burnt.¹² The third period, which embraces 169 years, becomes more distinct and authentic.¹³ But it is not until the beginning of the fourth period—534 years after the foundation of the city—that we come upon *the first Roman historian*, Fabius Pictor, who by the way, appears to have been a writer of inferior ability and small credit. Thence the stream of Roman history is enlightened by a tolerable succession of writers, down to the dissolution of the empire—the main drawback being the loss of many parts of the best historians, among which the missing portions of Polybius, Livy and Tacitus, are especially to be regretted.

The names of Perizonius, Bayle, Pouilly, Beaufort, Voltaire, Niebuhr, Arnold and others—but in a distinguished sense that of Niebuhr—are associated with that spirit of modern criticism which has substituted rational views in the place of that indiscriminating credence with which the early annals of Rome were formerly received. Voltaire supplies an apt statement of the leading thought which underlies this critical spirit—whether applied to Roman history in particular, or to history in general: “It is only at a very late period that the history of a nation can ever be written. Men begin with some extremely summary registries, which are preserved, as well as may be, in a temple or a citadel. An unfortunate war often destroys these annals, and it

¹² Book VI, ch. 1.

¹³ *Idem*.

is necessary to recommence twenty times, like ants whose habitation has been disturbed by the foot. It is only at the end of many centuries that it is possible for a history of some detail to succeed these informal registries; and this first history is always mixed with the false marvelous, by which men would replace the truth which is wanting.”¹⁴

The idea of historical development which is here suggested, becomes yet more complete and more striking, when we penetrate beyond the archaic “registries” of which Voltaire speaks, and place our thought in relation with those strictly prehistoric ages, the rude memorials of which so generally indicate a total want of letters, and a very low physical and mental condition for man.

As already intimated, such appears to have been the most ancient condition of man in Italy. The humble and semi-barbaric commencement of Roman greatness was preceded by a true barbarism, diffused at an earlier period over the whole peninsula and its adjacent islands. It is now well ascertained that Italy must, in this respect, take its place in company with the other European countries; and that, as in Spain, Switzerland, France, Germany, Belgium, the British Islands and the Scandinavian states, an Age of Stone preceded the use of metals and the beginnings of history proper, the same was equally true of the Italian peninsula. In the provinces of Abruz-

¹⁴ *Œuvres Complètes de Voltaire*, tom. xix, p. 316, Paris, 1827.

zo, Rome, Terra di Lavoro, Benevento, Otranto and Calabria; in the deposits of the Vibrata, and of the Tiber not far from the city of Rome; and in the Islands of Elba and Capri, stone implements have been found in abundance, similar in character to those which mark the prehistoric barbarism of other countries. In the valley of the Vibrata these implements "have been collected by thousands." In concluding his account of the objects of the Nicollucci collection—presented by Col. Theodore Lyman to the Peabody Museum—professor Jeffries Wyman says: "From this general statement of the kinds of objects and their distribution, it will be seen that the peninsula of Italy, one of the last regions to be explored for remains of the stone age, has yielded these very largely. They antedate all historical records, and until within a few years the existence of such does not appear to have been generally known to archæologists."¹⁵

Prehistoric knowledge, such as we have, is almost wholly a creation of the last half century, and as Professor Wyman correctly suggests, it is but lately that it has come to be definitely realized that in the possession of a prehistoric stone age, Italy forms no exception to the general rule for Europe. In view however of the actual knowledge which for some time has existed upon the subject, the remarks of

¹⁵ *Sixth Annual Report of the Trustees of the Peabody Museum*, 1873, pp. 7-12; Gastaldi's *Prehistoric Remains in Italy*, London, 1865, pp. 2-6.

one of the most eminent of recent writers upon Roman history may be classed among the curiosities of historical literature: "Italy however," says Momm-
sen, "is conspicuously destitute of mementoes of the primitive epoch, and stands in this respect in remarkable contrast with other seats of civilization. . . . Nothing hitherto has come to light which authorizes the conclusion that the existence of the human race in Italy preceded the cultivation of land and the smelting of metals; and if, within the confines of Italy, man was really once in that primitive state which we are accustomed to call savage, yet, every trace of such a condition is utterly lost."¹⁶

It is certainly very remarkable that a statement so erroneous and misleading, and that too upon a question of high value as affecting the theory of universal history, should be republished at Berlin as late as 1868, in a first class historical work, and without a note of correction. Positive information respecting the stone epoch of Italy appeared in the *Annali delle Scienze Naturali di Bologna* as early as the year 1850. The work of Gastaldi was pub-

¹⁶ "Italien indess ist auffallend arm an Denkmälern der primitiven Epoche und steht in dieser Beziehung in einem bemerkenswerthen Gegensatz zu andern Culturgebieten. . . . Es ist bisher nichts zum Vorschein gekommen, was zu der Annahme berechtigt, dass in Italien die Existenz des Menschengeschlechts älter sei als die Bebauung des Ackers und das Schmelzen der Metalle; und wenn wirklich innerhalb der Grenzen Italiens das Menschengeschlecht einmal auf der primitiven Culturstufe gestanden hat, die wir den Zustand der Wildheit zu nennen pflegen, so ist davon doch jede spur schlechterdings ausgelöscht." (*Römische Geschichte*, 5th edition, Berlin, 1868, Vol. i, pp. 8-9.)

lished in Italian in 1862, and the English translation in 1865.¹⁷

Thus, as the great stream of Roman history takes its vague rise in a rude age and by the side of an older civilization—the memory of which has only survived in fragments and glimpses—we thence look back upon a period still more removed in time, and still ruder in its human conditions, when pure barbarism held its low sway over all those seats which awaited the coming of the Etrurian and the Roman.

¹⁷ See *Prehistoric Remains in Italy*, pp. 2–5, and Introduction to the same work.

CHAPTER II.

ART OF WAR AMONG THE ROMANS.

CONSECRATING themselves to war, and regarding it as the sole art, the Romans devoted their whole mind and soul to its perfection. It was without doubt a god, says Vegetius,¹ who inspired them with the idea of the legion.

They regarded it as requisite that the soldiers of the legion should be furnished with arms, both offensive and defensive, which were heavier and stronger than those of any other people whatever.²

But, as there are things to be done in war of which a heavy corps is not capable, they provided that the legion should be supplied with a light troop, which might sally forth to engage in combat, and, in case of necessity, fall back under cover of its ranks; that it

¹ Lib. ii, ch. i.

² See in Polybius—and in Josephus, *de bello Judaico*, lib. iii—what were the arms of the Roman soldier. The latter says there is little difference between horses ranged in ranks and Roman soldiers. "They carry," says Cicero, "their provisions for more than fifteen days, together with all their camp equipage and implements for fortification; and, with regard to their arms, they are no more encumbered by them than by their hands." (*Tuscul.*, liv. ii, ch. xv.)

should be provided with cavalry, archers, and slingers—for the pursuit of fugitives and the completion of victory; that it should be defended by all sorts of military machines—which it drew with it in its marches; that it should entrench itself on the occasion of each encampment,³ and be, as Vegetius says, a species of stronghold.⁴

In order that they might be able to wield arms which were heavier than those of other men, it was necessary that they should render themselves more than men. This they accomplished by incessant labor—which increased their strength; and by exercises which were calculated to give them dexterity—which is nothing other than a just application of the natural force with which men are endowed.

We remark at the present day that the soldiers of our armies suffer much from immoderate labor;⁵ and yet it was by immense labor that the Roman soldiers preserved themselves. The reason is, I think, that the labors of the latter were constant; whereas

³ Lib. ii, ch. xv.

⁴ "They never passed a night, even in the longest marches, without pitching a camp, and fortifying it with a rampart and ditch." (Adam's *Rom. Ant.*, Phila., 1872, p. 253.)

A description of the camp thus improvised at the close of each day's march will give some idea of the work involved in the Roman fashion of soldiering: "The form of the Roman camp was a square, and always of the same figure. In later ages, in imitation of the Greeks, they sometimes made it circular, or adapted it to the nature of the ground. It was surrounded with a ditch, usually nine feet deep and twelve feet broad, and a rampart, composed of the earth dug from the ditch, and sharp stakes stuck into it." (*Idem*, p. 254.)—TRANSLATOR.

⁵ Above all, in making earthworks.

our soldiers pass incessantly from extreme labor to extreme idleness—which of all things in the world is most calculated to destroy their lives.

It is necessary that I should here notice what the ancient writers tell us respecting the education of the Roman soldiers.⁶ They were accustomed to the military step, that is to say, to make twenty miles in five hours, and sometimes twenty-four. During these marches they had to carry weights of sixty pounds.⁷ They were inured to the habit of running and leaping fully armed. In their exercises they used swords, javelins, and arrows which were double the ordinary weight; and these exercises were continual.⁸

The camp was not the sole military school. There was a place in the city where the citizens assembled

⁶ See Vegetius, liv. i. Also see in Livy, liv. xxvi, the exercises to which Scipio Africanus subjected his soldiers after the capture of New Carthage. Marius, notwithstanding his age, repaired every day to the Campus Martius. Pompey, at the age of fifty-eight years, went to the field fully armed, with the young men: he mounted his horse, rode with the bridle down, and hurled his javelin. (Plutarch, *Lives of Marius and Pompey*.)

⁷ An enumeration of the items which made up this burden will give a more distinct idea of the physical capabilities of the Romans. "The load which a Roman soldier carried is almost incredible; victuals for fifteen days, sometimes more, usually corn, as being lighter, sometimes dressed food, utensils, a saw, a basket, a mattock, an axe, a hook, and leathern thong, a chain, a pot, &c., stakes usually three or four, sometimes twelve, the whole amounting to sixty pounds weight, besides arms; for a Roman soldier considered these not as a burden, but as a part of himself." (Adam's *Rom. Ant.*, Phila., 1872, p. 258.)—TRANSLATOR.

⁸ Vegetius, liv. i, ch. xi-xiv.

for martial exercises. This was the Campus Martius. After the exercises were over, they threw themselves into the Tiber, in order to acquire the habit of swimming,⁹ and to free themselves from dust and sweat.¹⁰

We have no longer a just idea of the exercises of the body. A man who now applies himself too much to these is regarded as contemptible; for, as a general thing, such exercises have at present no other object than agreeable accomplishments; whereas, among the ancients, all, even to the dance, constituted a part of the military art.

It has even come to pass among us that too exquisite a degree of skill in the use of the arms which we employ in war has become ridiculous; for, since the introduction of the custom of single combats, the sword-exercise has come to be regarded as the science of men who are either quarrelsome or cowardly.

Those who criticise Homer, because he commonly sets off in his heroes the qualities of strength, address, and activity of body, ought to find Sallust exceedingly ridiculous; for he praises Pompey "as

⁹ And yet it would seem that many Romans, even soldiers—at least at some periods—did not acquire the art of swimming. Livy relates that many of the Romans who fled before the Gauls at the river Allia, just before the latter captured Rome, were drowned in their attempt to cross the Tiber, either from not knowing how to swim or from the weight of their armor. (Book V, ch. xxxviii.)—TRANSLATOR.

¹⁰ Vegetius, liv. i, ch. x.

being a man who ran, leaped, and carried a burden, equally with any man of his time.”¹¹

Whenever the Romans regarded themselves as in danger, or when they desired to repair some disaster, it was their constant practice to strengthen their military discipline.¹² Have they to make war upon the Latins—a people as warlike as themselves? Manlius, intent upon increasing the authority of his command, directs the execution of his own son—who had vanquished an enemy without orders. Are they beaten before Numantia? Scipio Æmilianus immediately deprives them of everything which had served to enervate them.¹³ Have the Roman legions passed under the yoke in Numidia? Metellus has repaired this disgrace from the moment that he has compelled them to resume the observance of the ancient institutions. In order to beat the Cimbrians and the Teutons, Marius commenced by turning the courses of rivers; and Sylla imposed such grievous labors upon his soldiers—demoralized in the war against Mithridates—that they demanded battle as an end of their toils.¹⁴ Publius Nasica had his soldiers to build

¹¹ *Cum alacribus saltu, cum velocibus cursu, cum validis vecte certabat.* Fragment of Sallust, cited by Vegetius, liv. i, ch. ix.

¹² [Military discipline was the first thing which appeared among the Romans, and it was the last thing which they lost; so intimately was it identified with the constitution of their Republic. (Bossuet, *Disc. sur l'Hist. univ.* troisième partie, ch. vi.)]

¹³ He sold all the beasts of burden belonging to the army, and made each soldier carry grain sufficient for thirty days, and seven stakes. (Epitome of Florus, liv. lvii.)

¹⁴ Frontinus, *Stratagems*, liv. i, ch. xi.

a fleet which he did not need. Idleness was more feared than the enemy.

Aulus-Gellius¹⁵ assigns bad enough reasons for the Roman custom of bleeding soldiers who had committed some offense. The truth is, that physical strength being the principal quality of the soldier, the object was to degrade rather than enfeeble him.

Men so hardened were generally healthy. We do not observe in the ancient writers that the Roman armies—which carried on war in so many climates—suffered much from sickness; whereas at the present day it happens almost constantly that our armies, without having engaged in battle, bury themselves, so to speak, in a single campaign.

Among us desertions are frequent, for the reason that our soldiers are the vilest part of each nation, and that none of them possess, or believe that they possess, a certain distinction above other men. Among the Romans, desertions were more rare. Soldiers drawn from the bosom of a people so proud, so haughty, so confident of dominating other peoples, could little think of so far undervaluing themselves as to cease to be Romans.

As their armies were not large, it was easy to provide for their subsistence; the chief could know his soldiers all the better, and be all the more readily advised of offenses and breaches of discipline.

The physical strength and endurance which re-

¹⁵ Liv. x, ch. viii.

sulted from their exercises, together with the admirable roads which they had constructed, enabled them to make long and rapid marches.¹⁶ Their unexpected appearance chilled the spirits of their enemies; and they showed themselves above all after a bad success, when the enemy was in that state of negligence which follows victory.

In our battles at the present day, the individual soldier has but little confidence except in the multitude with which he acts; but each Roman, more robust and more inured to war than his enemy, counted always upon himself. He possessed natural courage, that is to say, that virtue which is the feeling of one's own force.

Their troops being always the better disciplined, it was likely, even in the most unfortunate combats, that they would rally in part, or that the enemy would somewhere be thrown into disorder. Thus we continually see in their history, that, although overborne in the beginning by the number or the impetuosity of the enemy, they finally wrested victory from their hands.

They were especially careful to ascertain in what respects their enemy might possess some superiority over them; and they immediately took action accordingly. They accustomed themselves to the sight of blood and wounds at the Gladiatorial Spectacles,

¹⁶ Witness especially the defeat of Hasdrubal—and their activity in dealing with Variathus.

which they borrowed from the Etrurians.¹⁷ The trenchant swords of the Gauls,¹⁸ and the elephants of Pyrrhus, only surprised them once. They first supplied the weakness of their cavalry¹⁹ by taking away the bridles from the horses, in order that their impetuosity could not be checked, and afterwards by mixing velites²⁰ with their cavalry proper. When they came to be acquainted with the Spanish sword, they abandoned their own.^{21 22} They eluded the skill

¹⁷ Fragment of Nicolaus of Damascus, liv. x, taken from Athenæus, liv. iv, ch. xiii. Before the soldiers departed for the army, they were entertained by a gladiatorial combat. (JULIUS CAPITOLINUS, *Lives of Maximus and Balbinus*.)

¹⁸ The Romans presented their javelins, which received the strokes of the Gallic swords, and blunted them.

¹⁹ This cavalry was, however, superior to that of the small peoples of Italy. It was composed of the principal citizens, for each of whom a horse was kept at the public expense. When dismounted, there was no infantry more formidable, and very often it determined the victory.

²⁰ These were young men, lightly armed, and the most active of the legion, who at the least signal leaped upon the cruppers of their horses, or fought on foot. (VALERIUS MAXIMUS, liv. ii, ch. iii; Livy, liv. xxvi, ch. iv.) (a)

(a) Reference is here made to the practice of mounting light-armed young men *behind* the cavalymen. Each of these young men, or velites, was armed with a buckler and several javelins. Carried by the horses into the presence of the enemy, they suddenly dismounted, formed a line, and discharged their javelins. (Livy, Book XXVI, ch. iv.)—TRANSLATOR.

²¹ Fragment of Polybius, cited by Suidas at the word *machaira*.

²² In ancient warfare, the sword was an incomparably more important weapon than it is in modern times. On the same principle, therefore, which claims "the survival of the fittest" in the "struggle for existence" among animals, any superiority in the structure of this weapon would be very apt to tell favorably upon the fortunes of war among men.

Two celebrated swords figured in the time of the Romans—the Gallic and the Spanish—both of which are described by Livy: "The shields of the Gauls and Spaniards were of the same shape; their swords unequal and dissimilar. The Gauls had very long ones, without points. The

of pilots by the invention of a machine which Polybius describes. In short, as Josephus says,²³ war was for them a study, and peace an exercise. If any other nation enjoyed any particular advantage—whether derived from nature or arising from its institutions—they at once availed themselves of the same. They did not neglect to provide themselves with Numidian horses, Cretan archers, Balearic slingers, and Rhodian ships. In fine, no nation ever prepared for war with so much prudence, or carried it on with so much audacity.

Spaniards, who were accustomed to stab more than to cut their enemy, had swords convenient, from their shortness, and with points." (Book XXII, ch. 46, Spillan & Edmond's trans., N. Y., 1871.)

The Gallic sword was therefore limited to the single office of cutting, whilst the Spanish was capable of the double one of cutting and thrusting. The Romans adopted the latter; the Gauls adhered to their own—and were thus at a serious disadvantage in their numerous combats with the great enemy by whom they were finally conquered.—TRANSLATOR.

²³ *De Bello Judaico*, lib. iii, ch. vi.

NOTE BY THE TRANSLATOR.

THE accounts which we have of the Roman military discipline fully justify the opinion that it gauges the high-water-mark of all human attainment in this particular direction. The extent to which all the active and passive powers of the Roman soldier were utilized has never been equalled upon a great scale.

This supremacy of the Romans in the military art conducts us at once to the most accurate idea of their position in universal history. At a time when the spirit of war was dominant among mankind, and when, consequently, the warlike virtues were adjudged to be the highest, the Romans had the merit of beating the world according to its own standard of excellence. The amount of real manhood involved in such a performance contains the secret of that peculiar enthusiasm which is yet awakened by the Roman name.

The physical type of the Roman harmonized well with his intense devotion to war. The typical Roman was short in stature and heavily built; his head was low and broad; his jaws horseshoe-shaped, and his

nose aquiline. Describing this type from studies made of the busts of the early emperors in the Ducal gallery at Florence, M. Edwards says: "The vertical diameter of the head is short, and, consequently, the face broad. As the summit of the cranium is flattened, and the inferior margin of the jaw-bone almost horizontal, the contour of the head, viewed in front, approaches a *square*. The lateral parts, above the ears, are protuberant; the forehead low; the nose truly aquiline, that is to say, the curve commences near the top and ends before it reaches the point, so that the base is horizontal; the chin is round, and the stature short."¹

In just correspondence with their physical type and their purely military character, the Romans—during their period of conquest—were remarkably deficient in art-feeling; in which respect they differed widely from the Greeks, whose period of greatest power in arms and greatest mastery in art very nearly if not quite coincided. Among the latter, Phidias was born before Miltiades died; among the former, art did not acquire a distinctively national character until about the time of the emperors.²

Deficient in the delicate sentiments, in the esthetic faculties, and in the powers of abstract thought, the life of the Roman was intensely physical. His genius was severely concrete and practical; and his will

¹ Quoted from *Types of Mankind*, Phila., 1868, p. 98.

² See Francis Pulszky, in *Indigenous Races of the Earth*, Phila., 1868, pp. 172-174.

differed but little from obstinacy. At a time in the world's history when war was the leading interest among men, it is easy to see how admirably he was adapted to empire. He was the best embodiment of the military spirit.

As suggested in the foregoing remarks, the extreme military character of the Romans was but a marked instance, upon a great scale, of that ascendancy of the profession of arms over the industrial callings, which was a prevailing characteristic of the ancient societies generally. Upon a much smaller scale, the Spartans illustrate the extreme intensity of the same spirit among the Greeks. Comte has done excellent service to rational history by indicating the necessary causes which rendered the civilizations of antiquity much more military in their tone than those of modern times. Emerging from an extremely rude social condition, during which for many successive ages they had been incessantly occupied with the interests of war, when the communities of the ancient world first come into historical view, their life is seen to be—as we should rationally expect to find it—very distinctly military.

“Under this aspect,” says Comte, “it is constantly necessary to regard the social state of antiquity as radically the inverse of our modern social state, in which war has finally become purely accessory, while among the ancients it was necessarily and habitually preponderant in a high degree. Thus, in ancient

times, the same as among our present savages, the greatest efforts of human industry were essentially connected with war—a circumstance which gave occasion to so many truly prodigious creations of the military sort, above all in the art of conducting sieges. Among the moderns, on the contrary, although the immense progress which has been made in the mechanical and chemical arts has necessarily produced, in an accessory manner, important military innovations—of which, however, the value is much exaggerated—it is nevertheless certain that the system of arms is much less perfect, relatively to the present sum of human means, than it was among the Greeks and Romans, relatively to their corresponding industrial state.”³

The difference between the ancient and the modern types of society here indicated by Comte is a generalization of very high value. It is one of a considerable number of comprehensive facts, which, taken in their sum, show that the world’s civilization has, in the long run, undergone a great progressive change.

³ *Cours de Philosophie Positive*, Paris, 1869, tome v, pp. 119, 120.

CHAPTER III.

HOW THE ROMANS WERE ABLE TO AGGRANDIZE THEMSELVES.

As at the present time the peoples of Europe have nearly the same arts, the same arms, the same discipline, and the same method of conducting war, the prodigious fortune of the Romans appears incredible to us. There is besides at the present day such a disproportion of power among the nations of Europe, that it is not possible for a small state to rise by its own force from the humble condition in which Providence has placed it.¹

It is needful that we should reflect upon this; or else we shall look upon events without comprehending them; and, not properly appreciating the difference of circumstances, be led to believe, while reading ancient history, that we see other men than ourselves.

In modern Europe, constant experience has proved that a prince who has a million subjects cannot, without ruining himself, support an army exceeding

¹ See my *Note* at the end of this chapter.—TRANSLATOR.

ten thousand men. It is therefore only great nations that can have considerable armies.

It was not the same with the ancient republics; for, the ratio of the soldiers to the rest of the population, which is at present as one to a hundred, might easily be as one to eight among them.²

The founders of these republics had made an equal division of the lands. That alone constituted a strong people—that is to say, a well regulated society. That also secured a good army—each individual having an equal interest, and a very great interest, in defending his country.

When the laws ceased to be rigidly observed, things came to the same pass in which they are at present among us. The avarice of some and the prodigality of others caused the lands to accumulate in the hands of a few; and straightway those arts were introduced which served to accommodate the mutual wants of the rich and the poor. The result was that there were but few citizens or soldiers any longer; for the lands, formerly set apart for the support of the latter, were employed now for the maintenance of slaves and artisans—instruments of the luxury of the new possessors, without which the state—necessarily continuing to exist notwithstanding its disorders—would have perished. Before corruption set in, the primitive revenues of the state were divided among the soldiers, that is, among the labor-

² See *idem*.

ers. After the republic had become corrupt, these revenues passed at once into the hands of rich men, who disbursed them upon slaves and artisans, reserving a portion, by means of tributes, for the support of the soldiers.

Such men were little adapted to war. They were cowardly, being already corrupted by the luxury of the cities, and often by the very arts which they followed; besides which, as they had properly speaking no country, and as they plied their industry everywhere, they had but little to lose or preserve.

In a census of Rome which was taken some time after the expulsion of the kings,³ and in that which Demetrius Phalerius made of Athens,⁴ there is found nearly the same number of inhabitants. The population of Rome was four hundred and forty thousand, of Athens, four hundred and thirty-one thousand. But this census of Rome was taken at a time when she was yet in the full force of her institutions, and that of Athens at a time when she had become thoroughly corrupt. We find, in the case of Rome, that the number of citizens who had attained the age of puberty constituted one fourth of the inhabitants, whilst at Athens this class of citizens amounted to a little less than one twentieth of the whole number.

³ This is the census of which Dionysius of Halicarnassus speaks in Book IX, art. 25, and it appears to me to be the same as the one which he cites at the end of his 6th Book, and which was taken sixteen years after the expulsion of the kings.

⁴ CETESICLES, in *Athenæus*, lib. vi, ch. xix.

The power of Rome then was to the power of Athens, at these respective times, nearly as one fourth is to one twentieth—that is to say, it was five times as great.

The kings Agis and Cleomenes seeing that instead of the nine thousand citizens which Sparta contained at the time of Lycurgus,⁵ there were at their time not more than seven hundred, of whom scarcely one hundred possessed lands,⁶ and that all the rest were nothing more than a cowardly populace, they undertook to re-establish the laws in this respect;⁷ and Lacedæmon resumed her ancient power, and became once more formidable to all Greece.

It was the equal division of lands that rendered Rome capable of rising at once from her original feebleness. This is plainly seen after she became corrupt. She was yet a small republic when, the Latins having refused the contingent of troops which they were obligated to furnish, ten legions were immediately raised in the city.⁸ “At the present time,” says Livy, “when all the world may not contain Rome, she could hardly do as much if an enemy should appear suddenly before her walls—proof evident that we have not become greater, but that we

⁵ These were citizens of the town, and properly called *Spartans*. Lycurgus made for them nine thousand shares, and thirty thousand for the other inhabitants.

⁶ See Plutarch, *Lives of Agis and Cleomenes*.

⁷ See *ibid.*

⁸ Livy, *First Decade*, liv. vii. That was some time after the capture of Rome—under the consulate of L. Furius Camillus and App. Claudius Crassus.

have only augmented the wealth and the luxury which encumber us."

"Tell me," said Tiberius Gracchus to the Nobles,⁹ "which is the more worth, a citizen or a perpetual slave? a soldier or a man who is useless in war? In order to hold some acres of land more than the other citizens, will you renounce the hope of the conquest of the rest of the world? or place yourselves in danger of seeing those very lands which you refuse to us, taken from you by the enemies of your country?"

⁹ APPIAN, *on the Civil War*, lib. i, ch. xi.

NOTE BY THE TRANSLATOR.

THE author's remarks respecting the different degrees of difficulty experienced in ancient and in modern times by a weak nation seeking to become a powerful one—his statement of the comparative ratios of military force among the ancient republics and the modern states of Europe—and finally, his brief references to the land system of the Romans—seem to call for some further observations, partly critical, and partly of a supplementary character.

1. Montesquieu says there is "at the present day such a disproportion of power among the nations of Europe that it is not possible for a small state to rise by its own force from the humble condition in which Providence has placed it."

This statement appears to be somewhat too strong. It is doubtless true, as a general proposition, that the modern is less favorable than the ancient condition of Europe to the aggrandizement of a small state. This appears due in a good measure to causes similar to those which render it so difficult for an individual to advance his fortunes in a society in which all the

posts of power, wealth and influence are strongly preoccupied against him. And it may be said in addition to this, that aggrandizement by force was much more in harmony with ancient than it is with modern ideas—a fact which, in ancient times, was at once more favorable to the achievement of conquest, and to acquiescence in its exactions.

Yet, there is a first class power in Europe to-day which proceeded from small beginnings, and which is of recent formation. It may certainly be said with justice that, at the time Montesquieu published these *Considerations*, (1734,) Prussia occupied a comparatively humble position in the European system of states—possessing as she did a total population of less than two and a quarter millions, and a domain of no more than 2,160 German square miles. Since that time she has steadily extended her power in presence of her great neighbors—Russia, Austria, and France—until at length she stands at the head of an empire of forty millions of people, and performs for the time the leading rôle of Europe.¹

2. The standing military ratio, as given by Montesquieu for the nations of modern Europe—one soldier to a hundred of the population—and which he thinks cannot be exceeded without serious injury to the nation, sustains a curious relation to the late statistics of the more powerful class of the European

¹ See Meyer's *Hand-Lexikon des Allgemeinen Wissens*, 1872, *Zur Karte Historische Entwicklung von Preussen*.

states. In the following table I have embodied a statement of the populations and standing military forces of the seven principal powers of Europe, together with the proportions between the two for each of these states taken separately, and between their sums for all taken together :

	Population.	No. of men in Army and Navy on peace footing.	No. of people to one sol- dier and sailor.
SPAIN, including colonies (1870).	23,219,526		} 74
Army (1870).....295,000 }		317,117	
Navy (1869-70)... 22,117 }		
ITALY (1870).....	25,766,217		} 119
Army (1869).....198,232 }		217,044	
Navy (1869-70)... 18,812 }		
FRANCE (1871).....	36,594,845		} 78
Army (1869).....404,794 }		472,763	
Navy (1869-70)... 67,969 }		
AUSTRIA (1868).....	35,904,435		} 139
Army (1871).....254,031 }		259,733	
Navy (1871)..... 5,702 }		
GER. EMPIRE (1871).....	40,144,295		} 97
Army (1871).....404,636 }		417,997	
Navy (1869-70)... 13,361 }		
GR. BRITAIN (1871).....	31,465,480		} 122
Army (1869-70)... 191,433 }		251,263	
Navy (1869-70)... 59,830 }		
RUSSIA (1867).....	82,159,630		} 99
Army (1871).....765,879 }		829,900	
Navy (1869-70)... 64,021 }		
Total.....	276,254,428	2,765,817	100

For the statistics of population, and of land and naval forces here given, compare Meyer's *Hand-Lexikon des Allgemeinen Wissens*, 1872, articles *Spanien*, *Italien*, *Frankreich*, &c., and Chambers' *Enc.*, Phila., 1873, articles *Armies*, *Navies*, *Spain*, *Italy*, *France*,

&c. I have myself reduced the proportions which are exhibited in the last column, counting the surplus fraction as unity in each case. Thus, the exact result for Spain is 73 and a fraction—set down in the table at 74; for Italy 118 and a fraction—set down at 119; and so of the rest. In view of the considerable discrepancy in the proportions as shown by the table, varying as these do from one in 74 in the case of Spain, to one in 139 in that of Austria, it is a curious, and certainly an unexpected result, that the aggregate proportion for the European system—as represented by these seven great states—should be *one soldier and sailor to one hundred of the population*—the proportion stated by Montesquieu.

If we turn now to the United States of America, we shall see how immensely our country differs from the monarchies of Europe in respect to the proportion of its citizens detailed for military duty on the peace footing:

Population of the United States (1870).....	38,925,598
Army (1873), as limited by law (but actually still less) ..	30,000
Navy (1869-70).....	11,000

—showing a proportion of 950 of the total population to one soldier and sailor. But, in view of our large subsequent increase in population, it is safe to assume at the present time—1876—that the military ratio imposed by our republic in time of peace

does not exceed *one tenth of the average European rate.*²

The Romans started, and for a long time continued in, that immature social state in which no standing army existed among them—for the reason that all were equally soldiers; and, under the influence of the intense military spirit which prevailed during the greater part of this period, they may have been capable of recruiting a force as great as stated by Montesquieu—one in every eight of the entire population. But no such force could have been other than temporary—like the vast citizen armies which on occasions of pressing emergency are raised in modern states. With the coming in of the empire, they finally adopted the system of standing armies and permanent naval establishments. It will be seen by reference to my note at the end of Chapter XV that the ratio between their peace establishment and their entire population after this was done approximated the proportion of *one to two hundred and sixty-six*—a ratio which, while being nearly three times *less* than that of the principal states of modern Europe, was nearly four times *greater* than that of the United States.

3. The statements of Montesquieu respecting the equal division of lands among the early Romans and other ancient peoples—the massing of the lands

² See *Compendium of the Ninth Census of the United States*, p. 20; *Message and Documents, War Department, 1873-74, Part I*, p. 25; and Chambers' *Enc.*, art. *Navies*.

at a later period in the hands of a few—and the closing reference to the agrarian law which agitated Rome at the time of the Gracchi—are scarcely sufficient to give an adequate general idea of the Roman land system as now understood.

It appears to be true that, by the original organization of the Roman state, an equal division of land among the citizens was provided for; and indeed such equal allotment of land may be regarded as a fundamental principle of organization among the ancient republics generally. "It seems to have been a notion generally entertained in the ancient world," says Dr. Arnold, "that every citizen of a country should be a landholder, and that the territory of a state, so far as it was not left unenclosed or reserved for public purposes, should be divided in equal portions amongst the citizens."³ In order to avoid misapprehension, however, it must be kept in view that these early communities abounded in slaves and subjugated classes, and that those who answered to the character of *citizens* constituted but a minor part of the entire population of the state.

The shares thus set apart to Roman citizens were small, not exceeding it would seem seven *jugera*, or about four and one third English acres.⁴

Besides the lands so allotted to the citizens, there was an unallotted public domain, kept in reserve, and belonging, like our public lands, to the state.

³ *Hist. of Rome*, N. Y., 1857, p. 59.

⁴ *Idem*, p. 33.

Now, it was not only by absorbing these small private estates, as Montesquieu appears to suppose, but also by occupying and claiming a large part of the public lands, that the rich class of citizens came to be such disproportionate landholders; and the Agrarian Laws, which among other things were designed to remedy this mischief, seem to have been intended to apply exclusively to the last species of lands. Formerly, these laws were regarded, even among the best scholars, as having in view the confiscation of lands to which the rich were entitled in their own private right; and the result of this misconception has been, that the term "agrarian" has become intimately associated with the arbitrary seizure of the property of the more wealthy for the benefit of the poorer class of citizens. It may be indeed that agrarian laws were *proposed* which looked to the confiscation of private estates in lands, although I find no direct and conclusive evidence that such was the case. From the context of Cicero in Book II chapter 21 of his Offices, it may be *inferred* that the law brought forward, but afterwards abandoned, by the tribune Philippus, was of this character. But it now appears certain at all events that the actual agrarian laws of Roman history were intended to have no other application than to lands which were in fact owned by the state.

For the correction of the former misconception as to the real nature of this class of laws we are main-

ly indebted to Niebuhr. "If," says Dr. Arnold, "amongst Niebuhr's countless services to Roman history, any single one may claim our gratitude beyond the rest, it is his explanation of the true nature and character of the agrarian laws."⁵

In the most general sense, the agrarian laws of the Romans were simply their *public land laws*. From the time of the earliest kings, it was their constant policy to appropriate some part of the lands of the defeated enemy; and sometimes the state acquired lands by purchase. These lands, whether acquired in the one way or the other, became the exclusive property of the state, and were from time to time allotted among citizens—who were removed to and colonized upon them.

For the most part this system of gratuitous distribution of the public lands worked harmoniously; but there was one point upon which angry controversies, and even violent collisions in the bosom of the state arose. It was the custom of the government to allow individuals to enter upon and occupy unallotted public lands, paying to the state a certain moderate rent therefor. Under this usage a great portion of the public lands came to be occupied by the rich class of citizens; and even the payment of the reserved rent came to be much neglected. By the agrarian law of Licinius Stolo—passed about 369 years before Christ—which was the model for all

⁵ *Idem*, p. 59.

subsequent legislation of the kind, and which is now understood to have related solely to public lands—no individual was allowed to occupy more than 500 *jugera*, or about 311½ English acres of such land; and any excess above this amount was to be allotted among the poorer class of citizens at the rate of 7 *jugera* to each.

In the legal aspect of the case, such occupants of the public lands were tenants at will of the state, and acquired no title whatever, as against the latter, to the lands which they were thus permitted to possess and to use. But, as Dr. Arnold remarks, “although the land was undoubtedly the property of the state, and although the occupiers of it were in relation to the state mere tenants at will, yet it is in human nature that a long undisturbed possession should give a feeling of ownership, the more so as, while the state’s claim lay dormant, the possessor was in fact the proprietor; and the land would thus be repeatedly passing by regular sale from one occupier to another.”⁶ It hence resulted that the passage of the Licinian law was resisted with great bitterness by the patricians and the richer class of citizens.

After having in a great measure corrected the evil which it was intended to remedy, this law of Licinius finally fell into disuse; and many of the wealthier citizens, in total disregard of the limitation imposed by the law, occupied immense tracts of

⁶ *Idem*, p. 60.

public land in addition to their private estates, whilst many of the poorer citizens were without lands.

In this state of things, and to remedy this enormous abuse, Tiberius Gracchus—B. C. 132—caused the Licinian law to be revived in a modified form. In its new form, the law, while retaining the old limitation of 500 *jugera* of public land to each occupant, allowed 250 *jugera* in addition to be occupied for each son of the family; and, whilst providing that in all cases any excess should be resumed by the state for allotment among the poorer class of citizens, it also provided that payment should be made for the improvements which had been put upon the lands thus resumed.

Such, in substance, appear to have been the main features of the agrarian laws. The disturbance which followed the enactment of the law of Tiberius Gracchus, and in which that great statesman perished, was not so much a sedition of the people as a sedition of the patricians—in their spirit of hostility to a just and wholesome law.⁷

⁷ Livy, Book VI, chs. 35–42; Arnold's *Hist. of Rome*, chs. ix and xxvi; Niebuhr's *Rom. Geschichte*, Berlin, 1853, pp. 224–240; Chambers' *Enc.*, art. *Agrarian Law*; Anthon's *Clas. Dic.*, articles *Agrariæ Leges* and *Licinius*.

CHAPTER IV.

THE GAULS.—PYRRHUS.—COMPARISON OF CARTHAGE AND ROME.—WAR WITH HANNIBAL.

THE Romans had many wars with the Gauls. The same love of glory, the same contempt of death, the same obstinate resolve to conquer, characterized the two nations; but their arms were different. The buckler of the Gauls was small, and their sword bad. They were handled, therefore, by the Romans much as the Mexicans have been in these later ages by the Spaniards. It is surprising that these peoples, whom the Romans encountered at nearly all places and times, should have suffered themselves to be destroyed, one after another, without ever knowing, inquiring into, or remedying the cause of their disasters.¹

Pyrrhus made war upon the Romans at a time when they were in a condition to resist him, and to gain instruction by means of his victories. He taught them to entrench themselves, and how to select and arrange a camp. He accustomed them to

¹ See my *Note* at the end of this chapter.—TRANSLATOR.

elephants, and prepared them for wars upon a grander scale.²

The greatness of Pyrrhus consisted solely in his personal qualities.³ Plutarch tells us that he was obliged to make war upon Macedon, for the reason that he was unable to support his army of eight thousand foot and five hundred cavalry.⁴ This prince, master of a little state of which we hear nothing said after his time, was an adventurer, continually engaged in enterprises, for the reason that he could subsist in no other manner.

The Tarentines, his allies, had degenerated very much from the institutions of the Lacedæmonians, their ancestors.⁵ He would have been able to accomplish great things with the aid of the Samnites, but for the fact that the Romans had nearly destroyed this nation.

Carthage, become rich sooner than Rome, was also sooner corrupted. Thus, whilst at Rome the public

² [The war with Pyrrhus expanded the minds of the Romans. Dealing with an enemy of so much experience, they became more ingenious and more enlightened than they were before. They found the means of protecting themselves against the elephants, which in the first battle had thrown their legions into disorder. They avoided the plains, and sought places which were advantageous against a cavalry which they had mistakenly despised. They learned afterwards to form their camp upon the model of that of Pyrrhus—having admired the order and the distribution of his troops, whilst among themselves all was confusion. (SAINT-EVREMOND, *Réflexions sur les divers génies du peuple romain dans les différents tempts de la république*, ch. vi.)]

³ See a fragment of Book I of Dion, in the *Excerpt of Virtues and Vices*.

⁴ *Life of Pyrrhus*.

⁵ JUSTIN, lib. xx, ch. 1.

employments were only obtained by virtue, and yielded no profit except honor and a preference of toil, all that society could bestow upon the citizen was sold at Carthage, and every service performed for the public was paid for by the state.

A kingdom is not brought nearer to ruin by the tyranny of the sovereign than is a republic by indifference to the common welfare. The advantage of a free state is that the revenues are better administered; and, when they are even worse administered, the advantage of a free state yet is, that there are no favorites. But, when this is not the case, and when, instead of the friends and relations of a prince, it becomes necessary to provide fortunes for all those who have part in the administration of the government—all is lost.⁶ The evasion of the laws in a republic thus corrupted is more dangerous than their violation by a monarch—who, being the first citizen of his state, has the greatest interest in its preservation.

At Rome, ancient manners and a certain habit of poverty rendered fortunes nearly equal; but at Carthage, individuals possessed the wealth of kings.

Of the two factions which reigned at Carthage, the

⁶ These words of Montesquieu should arrest the attention of Americans. The two evils which he points out, *indifference to the public welfare*, and the conversion of the public service into a *means for the accumulation of private fortunes*, are alike destructive of the spirit, if not of the form, of a republican government; and the first of these evils is sure to be followed by the other.—TRANSLATOR.

one constantly desired peace, the other, war; so that it was impossible to enjoy the one or to prosecute the other with effect.

Whilst at Rome, war immediately reunited all interests, it separated them the more at Carthage.⁷

In states governed by a monarch dissensions are easily appeased, for the sovereign holds in his hands a coercive authority which enables him to impose checks upon the two parties; but in a republic such dissensions are more lasting, for the malady ordinarily attacks the very power which should be able to cure it.

At Rome, governed by laws, the people suffered the senate to take the direction of affairs; at Carthage, governed by abuses, the people desired to do everything themselves.

Carthage, which made war with her opulence against Roman poverty, was, even in this respect, at a disadvantage. Gold and silver may be consumed; but virtue, constancy, force, and poverty, are inexhaustible.

The Romans were ambitious from pride, the Carthaginians from avarice; those would command, these would acquire. The latter, constantly calculating re-

⁷ The presence of Hannibal caused all divisions to cease among the Romans; but the presence of Scipio embittered those which already existed among the Carthaginians; it took away from the government of the latter all the force which it had left; the generals, the senate, the nobles, became more suspected by the people, and the people became more furious. See Appian's account of the war of the first Scipio.

ceipts and expenses, always made war without loving it.

The loss of battles, the diminution of her people, the ruin of her commerce, the exhaustion of her public treasury, and the revolt of the neighboring nations, were sufficient to induce Carthage to accept the hardest conditions of peace. But Rome was not guided by the sentiment of benefits and calamities. She was solely determined by the sense of her own glory; and, as she did not imagine that she could exist if she did not command, there was no hope and no fear which could induce her to make a peace which she did not impose.

There is nothing so powerful as a republic in which the laws are observed, not from fear, not from reason, but from passion—as was the case with the Romans and the Lacedæmonians; for then there is joined to the wisdom of a good government all the force which is proper to a faction.

The Carthaginians availed themselves of foreign troops; the Romans employed their own.⁸ As the latter always regarded the conquered as instruments of future triumphs, they made soldiers of all the peoples whom they subdued; and, the greater the difficulty they might have in vanquishing them, the more they regarded them as proper to be incorporated into their

⁸ [Carthage being founded upon commerce and Rome upon arms, the first employed foreigners for its wars and citizens for its traffic; the other made citizens of all nations, and soldiers of its citizens. (Saint-Evremond.)]

republic. Thus we see the Samnites—who were only subjugated after twenty-four triumphs⁹—become auxiliaries of their conquerors; and, some time before the second Punic war, the Romans drew from them and from their allies—that is to say, from a country not much larger than the states of the Pope and of Naples—seven hundred thousand infantry and seventy thousand cavalry, to oppose the Gauls.^{10 11}

At the height of the second Punic war Rome had constantly on foot from twenty-two to twenty-four legions; and yet it appears from Livy that the census did not then exceed about one hundred and thirty-seven thousand citizens.

Carthage employed greater forces for attack, Rome for defense. The latter, as we have seen, armed a prodigious number of men against the Gauls and against Hannibal, who attacked her; but she sent out no more than two legions against the greatest kings—a policy which perpetuated her forces.

The establishment of Carthage in her territory

⁹ FLORUS, lib. 1, ch. xvi.

¹⁰ See Polybius. The *Summary* of Florus says they levied three hundred thousand men in the city and among the Latins.

¹¹ The large number stated in the text must not be understood as applying to forces actually brought into the field, but as referring to the total aggregate of men capable of military duty among the Romans and all their allies at the time of the Gallic invasion alluded to—which was 225 years before Christ, and seven years before the beginning of the second Punic war. This aggregate is said to have been as high as 750,000 men; but the number actually put into service against the Gauls does not appear to have been more than about 171,000—whilst the attacking force of the Gauls seems not to have exceeded 70,000. (See Arnold's *Hist. of Rome*, N. Y., 1857, pp. 464–465.)—TRANSLATOR.

was less solid than that of Rome in hers. The latter was surrounded by thirty colonies, which served her as so many ramparts.¹² Prior to the battle of Cannæ no ally had abandoned her. The reason was, that the Samnites and the other peoples of Italy were accustomed to her domination.

Most of the cities of Africa, being but little fortified, surrendered at once upon the approach of an enemy. Thus, all who disembarked upon the coast of Africa—Agathocles, Regulus, Scipio—immediately reduced Carthage to despair.

The ills which befell the Carthaginians throughout the war which the first Scipio made upon them can hardly be attributed to any other cause than a bad government. Their city and even their armies were famished, whilst the Romans were supplied with an abundance of all things.¹³

Among the Carthaginians, the armies which had been beaten became more insolent. Sometimes they crucified their generals, and punished them for their own cowardice. Among the Romans, the consul decimated the troops who had fled, and again led them against the enemy.

The government of the Carthaginians was very

¹² LIVY, lib. xxvii, chs. ix and x. [These colonies, established on all sides of the empire, produced two admirable effects. The first was, that they relieved the city of a great number of citizens, mostly poor. The other was, that they guarded the principal posts, and gradually accustomed foreign nations to Roman manners. (BOSSUET, *Disc. sur l'Hist. univ.*, troisième partie, ch. vi.)]

¹³ See Appian, lib. *Libyke*, ch. xxv.

severe.¹⁴ They had oppressed the peoples of Spain so cruelly that when the Romans arrived there they were regarded as liberators; and, if we consider the immense sums which Spain cost them in carrying on a war in which they succumbed at last, we shall plainly see that injustice is bad policy, and that it does not even accomplish its own ends.

The commerce of Carthage had been much diminished by the founding of Alexandria. During primitive times, superstition had in some sort banished foreigners from Egypt; and when the Persians had conquered that country, their only policy was to weaken their new subjects; but, under the Greek kings, Egypt carried on nearly all the commerce of the world, and that of Carthage began to decline.

Nations established upon commerce may exist for a long time in a state of mediocrity; but their grandeur is of short duration. They rise little by little, and without attracting notice; for they do no particular act which serves to arrest attention and to signalize their power. But, when they have grown to such an extent that none can fail to observe them, all seek to deprive such a nation of an advantage which it has only obtained, so to speak, by surprise.¹⁵

¹⁴ See what Polybius says of their exactions, especially in the fragment of Book IX, *Excerpt of Virtues and Vices*.

¹⁵ The idea here presented, that great commercial states are less secure than others, can scarcely be accepted as a fundamental principle, although doubtless true in its application to the states of antiquity—at a period in the world's history when the war spirit was much more dominant, when physical force was more unqualifiedly accepted by nations as

The Carthaginian cavalry was superior to the Roman in two respects. In the first place, the Numidian and Spanish horses were better than those of Italy; and in the next place the Roman cavalry was badly armed; for, as we learn from Polybius,¹⁶ it was not until the wars which they made against the Greeks, that the Romans changed their style in this regard. In the first Punic war Regulus was beaten from the moment that the Carthaginians selected plains for battle, in order to favor the operations of their cavalry; and in the second, Hannibal owed his principal victories to his Numidian horsemen.¹⁷

Having conquered Spain, and formed an alliance with Masinissa, Scipio deprived the Carthaginians of this advantage. It was Numidian cavalry that gained the battle of Zama and ended the war.

The Carthaginians had more experience on sea than the Romans, and better understood the management of ships; but it appears to me that this advantage was not so great at that time as it would be at the present day.

Not having the mariner's compass, the ancients were little able to navigate except along the shores

a standard of right, and when wealth had not yet learned to draw to itself that measure of defensive force which it so well knows how to organize and employ in modern times. In the circumstances of the modern world, Great Britain is a standing illustration of the security of a first class commercial state.—TRANSLATOR.

¹⁶ Lib. vi, ch. xxv.

¹⁷ Some entire corps of Numidians passed over to the side of the Romans, who from that time began to experience a sense of relief.

of seas; they only used vessels provided with oars—small and flat; nearly all road-steads served them as ports; the knowledge of pilots was very limited, and their manœuvring a very small affair. Hence it was that Aristotle said it was useless to have a corps of mariners, and that laborers would suffice for that.¹⁸ Art was so imperfect, that not much more was accomplished with a thousand oars than is now with a hundred.¹⁹ Large vessels were disadvantageous; for, being difficult to put in motion by the crew, they were unable to execute the necessary evolutions. Of this, Anthony made a disastrous experiment at Actium.²⁰ His ships were unable to move, whilst those of Augustus, being lighter, attacked them on all sides. As the ancient vessels were propelled by oars, the lighter could easily break the oars of the larger ones, which were thus reduced to the condition of immovable machines, like our present ships when dismasted.

Since the discovery of the mariner's compass all this has been changed. We have abandoned the use of oars;²¹ we construct large vessels, and shun the shores of the sea. The machinery of navigation has

¹⁸ *Politics*, Book VII, ch. vi.

¹⁹ See what Perrault says respecting the oars of the ancients. *Essai de physique*, tit. 3, *Mécanique des animaux*.

²⁰ The same thing happened at the battle of Salamis. (PLUTARCH, *Life of Themistocles*.) History is full of similar facts.

²¹ From which we may judge how imperfect was the marine of the ancients—since we have abandoned a practice in which we were so superior to them.

become more composite, and its applications more multiplied.

The discovery of gunpowder has led to a consequence which would not have been suspected. It is that the force of navies consists more than ever in art; for, in order to resist the violence of cannon, and not to be exposed to a superior fire, large vessels are necessary; but the power of art should be proportioned to the magnitude of the machine.

The small vessels of the ancients grappled with each other suddenly, and the soldiers of the two sides joined in conflict. An entire land army was placed on a fleet. In the naval battle which Regulus and his colleague gained, we see a hundred and thirty thousand Romans engage with a hundred and fifty thousand Carthaginians. At that time soldiers were accounted for much and men of art for little; at present, soldiers are accounted for little, and men of art for much.

This difference is made manifest by the victory which was achieved by the consul Duillius. The Romans were without knowledge of navigation; a Carthaginian galley grounded upon their coasts; they used this as a model for the building of others; in three months time their fleet was constructed and equipped and their seamen ready; they put to sea, found the Carthaginian navy, and beat it.

At present, a whole lifetime is scarcely sufficient to enable a sovereign to form a fleet capable of appear-

ing before a power which has already the empire of the sea. It is perhaps the sole thing which money alone cannot do; and if in our time a great monarch succeeded at once in accomplishing such a task,²² experience has caused others to see that his example is more to be admired than followed.²³

The second Punic war is so famous that all the world is acquainted with it. When we consider well the crowd of obstacles which confronted Hannibal, and which that extraordinary man surmounted, we have before us the finest spectacle that antiquity presents.

Rome was a prodigy of constancy. After the battle of Ticinus, of Trebia, of Trasymenus—after that of Cannæ, which was more disastrous yet, and when she was abandoned by nearly all the peoples of Italy, she did not ask for peace. The reason was that the senate never departed from the ancient maxims. It dealt with Hannibal as it had previously dealt with Pyrrhus—with whom it had refused to enter into any accommodation whilst he remained in Italy. And I find in Dionysius of Halicarnassus,²⁴ that at the time of the negotiation with Coriolanus, the senate declared that it would not violate its ancient customs; that the Roman people would not make peace so long as the enemy remained upon their soil; but that, if the Volscians withdrew, all would be accorded which might be just.

²³ Spain and Muscovy.

²² Louis XIV.

²⁴ *Roman Antiquities*, Book VIII.

Rome was saved by the force of her institutions. After the battle of Cannæ, not even the women were permitted to shed tears. The senate refused to ransom the prisoners, and sent the miserable remains of the army to continue the war in Sicily—without recompense and without military honor—until Hannibal should be driven from Italy.^{25 26}

On the other hand, the consul Terrentius Varro had fled shamefully to Venusia. This man, who was of the lowest birth, had only been elevated to the consulate in order to mortify the nobles. But the

²⁵ [After the battle of Cannæ, when any other state would have succumbed to its bad fortune, there was not a movement of weakness among the Roman people, nor a thought which was not devoted to the good of the republic. All orders, all ranks, all conditions exhausted themselves voluntarily. Honor consisted in retaining less, shame in reserving more. (Saint-Evremond.)]

²⁶ Inflexible as the Roman character may have been, it was yet not so completely devoid of sensibility and weakness as seems to be implied in the text and in the passage from Saint-Evremond. The scenes of distress which took place in Rome immediately after the rout on the Allia, and after the defeats of Trasymenus and Cannæ, rank with the most unbounded displays of human feeling that are to be found in history. On the first occasion, "the entire city" was "filled with wailings"; on the second, instances are given of women who fell dead from joy on meeting sons whom they believed to have been slain in the battle; on the third, the city was seized with panic, the first hurried sitting of the senate took place "while the loud lamentations of the women were resounding," and Livy declares that the scene was indescribable. Montesquieu's remark that "not even the women were permitted to shed tears" after this last defeat, conveys an exaggerated idea of Roman stolidity. The fact was, that for prudential reasons, public and private, the senate passed a decree, not forbidding the shedding of tears, but limiting the time of mourning to thirty days. (See Livy, Book V, chs. 39-40, Spillan's trans.; and Book XXII, chs. 7, 54, 55, and 56, Spillan & Edmonds' trans.)—TRANSLATOR.

senate refused to enjoy the unhappy triumph which the occasion offered. Seeing how necessary it was in the existing circumstances to draw to itself the confidence of the people, this body went before Varro and thanked him for not having despaired of the republic.²⁷

It is not ordinarily the actual loss which is occasioned by a battle—that is to say, some thousands of men—that is fatal to a state; it is the imaginary loss and the resulting discouragement which deprive it even of the resources which fortune has left it.

There are things which everybody says, for the reason that they have once been said. It is believed that Hannibal committed a signal error in not having laid siege to Rome after the battle of Cannæ.²⁸ It is true that at first the terror of the city was extreme; but the consternation of a warlike people, which nearly always changes into courage, is not like that of a vile populace, which feels nothing but its own weakness. One proof that Hannibal would not have succeeded is seen in the fact that the Romans were yet in a condition to send out succors in every direction.

²⁷ [The senate thanked him for this publicly; and from that moment it was resolved, according to the ancient maxims, to listen to no proposition of peace in this sad state of affairs. The enemy were astonished; the people took heart afresh, and believed that they possessed resources which the senate knew of in its wisdom. (BOSSUET, *Disc. sur l'Hist. univ.*, troisième partie, ch. vi.)]

²⁸ [See Saint-Evremond, *Reflexions sur les divers génies du peuple romain*, etc., ch. vii.]

It is further said that Hannibal committed a great mistake in leading his army to Capua, where it became enervated. But it is overlooked that this view does not ascend to the true cause. Become rich after so many victories, would not the soldiers of this army have found Capua everywhere? Alexander, who commanded his own subjects, adopted an expedient in a similar situation which Hannibal, who only had mercenary troops, could not resort to; he set fire to the baggage of his soldiers, and consumed all their wealth and his own. We are told that Kublai Khan, after the conquest of India, allowed only one hundred rupees of silver to each soldier.²⁹

It was the very conquests which Hannibal made that commenced to change the fortunes of the war. He had not been sent into Italy by the magistrates of Carthage; and, whether from the jealousy of the one party, or from the too great confidence of the other, he received very little support from home. So long as he kept his army together he beat the Romans. But, when it became necessary to garrison cities, to defend his allies, to besiege places or prevent them from being besieged, his forces were found to be too small, and he lost portions of his army in detail. Conquests are easy to make, for the conqueror achieves them with all his forces; they are difficult to preserve, for he only defends them with a part of his forces.

²⁹ History of his life, Paris, 1742, p. 402.

NOTE BY THE TRANSLATOR.

IN order that we may form a completer, and in one instance a more accurate, general idea of several of the important subjects which are embraced in the chapter just closed, it becomes necessary that I should add some observations to the text.

I. In assigning to the Romans and the Gauls "the same obstinate resolve to conquer," and in making the difference between them to consist in the inferiority of the weapons of the latter, Montesquieu does not distinguish the salient points of character for which the two peoples were noted. The will of the Gaul was much the more impetuous, that of the Roman much the more persistent. "Obstinate resolve" was a Roman, but scarcely a Gallic, quality.

Machiavelli has a curious chapter, entitled, "The reason why the Gauls have been and still are adjudged to be more than men at the beginning of a battle, and afterwards less than women"¹—wherein he draws attention to that characteristic quality of the Gauls

¹ *La cagione perchè i Franciosi sono stati e sono ancora giudicati nelle zuffe da principio più che uomini, e dipoi meno che femmine. Discorsi, lib. iii, cap. xxxvi.*

which is so closely akin to a national trait ascribed by other modern nations to the French, and which indeed is best expressed by the French word, *elan*.

"The ferocity of that Gaul," says Machiavelli, "who, on the river Anio, challenged any Roman whatever to single combat, and the fight which ensued between him and Titus Manlius, remind me of what Livy several times says, that in the beginning of a battle the Gauls are more than men, and that they afterwards become, in the issue of the combat, less than women: and reflecting upon the cause of this, it is believed by many that nature may have made them thus—an opinion which may be correct; but it does not therefore follow, that this nature of theirs, which renders them ferocious in the beginning, might not be so regulated by art that it would finally enable them to maintain their ferocity to the last."²

That affiliation of character which is traceable between the ancient Gaul and the modern Frenchman is but one of a multitude of instances going to show the persistence—I do not say the absolute immutability—of race characters. Whatever may be the origin of races, when once formed, they become, to say the least, pretty stable facts—retaining their identity for many thousands of years, and impressing their peculiar genius upon the history of the world. In the mental process of referring the phenomena of history to their proximate causes, it appears to me

² *Idem*.

that race is an exceedingly important factor; and I am persuaded that Buckle and Mill set altogether too low a value upon this element.³

Quetelet, who has perhaps done more than any other man towards giving a character of precision to social science, recognizes the high value of race, as one of the modifying causes of social phenomena. "It seems to me," he says, "that one of the first distinctions to be taken in the study which occupies us is that of the different races of men inhabiting the countries which we shall consider; it is, as we shall very soon see, of the highest importance, although it may not be that which first presents itself to the mind."⁴

He adopts the estimate of Malte-Brun, that the population of France—at a time prior to the late Franco-Prussian war—was composed of three principal race elements—the Keltic, the Germanic, and the Pelasgic, of which the first alone—being the modern representative of the ancient Gallic stock—constitutes nearly three fifths of the whole; and he quotes approvingly the opinion of the great geographer, that "the progress of civilization may alter the character of a people, but cannot change it entirely."⁵

Certainly the progress of civilization has done much, by means of that "art" of which Machiavelli speaks, to modify the military character of the Gaul

³ *Hist. of Civ. in England*, ch. ii, note 1.

⁴ *Physique Social*, Bruxelles and Paris, 1869, tom. ii, pp. 279–280.

⁵ *Idem*, p. 280.

as it was known and described by the Romans; but it is none the less certain that the French *elan* of to-day is a reminder of an ancestral quality which may be traced back more than two thousand years.

According to the description given by Cæsar in his Commentaries, the Gauls were larger and taller than the Romans; and they looked with contempt upon the short stature of the latter.⁶ But, superior steadiness in character and purpose, no less than superior arms, gave the mastery to the smaller race of men.

II. It will be well to indicate, with a degree more of precision and particularity than is found in the text, the great salient features of the second Punic war. It is noteworthy that all the four battles referred to in this chapter—and which conducted Hannibal to the summit of his power—took place within about two years from the time when he first descended from the Alps. He entered northern Italy in the year 218 B. C., and gained, during that same year, the two victories of Ticinus and Trebia—both in cisalpine Gaul. The next year—217 B. C.—he advanced further south, and defeated the Romans at Trasymenus; and the year following—216 B. C.—having proceeded still further south, he inflicted upon them the terrible defeat of Cannæ—at which time his ascendancy attained its maximum. Thencefor-

⁶ *Præ magnitudine corporum suorum, brevis nostræ contemtu est*, lib. ii, c. 30.

ward, during the remaining thirteen years that he yet tarried in Italy, we may trace a gradual decline in his fortunes.

These celebrated victories, which thus marked the rapid rise of Hannibal's power, were very unequal.

Ticinus was an affair of no great importance in itself—a mere prelude to the shock of invasion which threatened to extinguish the Roman name; Trebia and Trasymenus—especially the latter—were destructive defeats; and Cannæ was an appalling disaster. The signal celebrity of the last two of these battles will justify some more particular notice of each in this place.

According to the account of Livy, there was, on the part of the Romans, a total want of generalship at Trasymenus. Between the lake Trasymenus and the mountains of Cortona there was a narrow pass, which expanded into a confined plain terminated by some hills. The whole formed a sort of natural *cul de sac*. Hannibal occupied the hills in person, with his Spanish and African troops—distributed his light infantry along the mountain in flank—and concealed his cavalry in such a position that it could close the mouth of the defile in the rear of the advancing Romans. Into this trap Flaminius led his army a little before dawn, amid the fogs arising from the lake, and without the precaution of sending forward a reconnoissance. The consul and fifteen thousand Romans were killed outright upon the field, and as many more were

captured, whilst only fifteen hundred of the Carthaginians were slain.

Livy mentions a very extraordinary circumstance in connection with this battle, and one which is well calculated to show how utterly the mind of the soldier is absorbed by the interest of the struggle in which he is engaged: "and so great was the ardor of the conflict, so intent were their minds upon the battle, that not one of the combatants felt an earthquake which threw down large portions of many of the cities of Italy, turned rivers from their rapid courses, carried the sea up into rivers, and levelled mountains with a tremendous crash."

We also remark in the same writer's account of this battle—as in numerous other instances among the armies of antiquity—how completely similar was the behavior of the ancient and modern soldier when stricken with panic fear; and this notwithstanding the relatively greater ascendancy of the purely military spirit among the ancients: "and now neither the lake nor the mountains obstructed their hurried retreat; they run through all places, confined and precipitous, as though they were blind; and arms and men are tumbled one upon another."⁷

The battle of Cannæ took place on the Aufidus, —the modern Ofanto—a small stream flowing north-east into the Adriatic, and at a point about six miles

⁷ Compare *Livy*, Book XXII, chs. 4 to 7, Spillan & Edmonds' trans.; and Arnold's *Hist. of Rome*, ch. xliii.

from its mouth. The scene of the conflict lay in a southeastern direction from Rome, and at a distance of about five days' march from the city. The force of the Romans is variously estimated by their own authorities, some placing it as high as 87,200, which may be accepted as the more probable number. The Carthaginian army consisted of 40,000 infantry and 10,000 cavalry. In the order of battle, it is said that the Romans looked to the south, the Carthaginians to the north, and that a strong wind, blowing over the backs of the latter, carried blinding clouds of dust into the faces of the Romans. The center of the Carthaginian army giving way, the Romans followed up in a dense column, until, finally checked in this forward movement by the troops which had first been beaten back, their flanks were at the same time enveloped by the two powerful wings of the enemy, and their rear assailed by his formidable cavalry. The Romans being thus surrounded, the contest—as at Trasymenus—became a slaughter rather than a battle. Their army was virtually annihilated. The *débris*, assembled a few days after under cover of the walls of the neighboring town of Canusium, seems not to have exceeded 10,000 men. The total loss, therefore, captured and slain, must have been about 77,000. Livy puts the number of killed on the Roman side at 42,700, and on the side of the Carthaginians at 8,000. Considering the number of combatants, this was an enormous mass of dead to lie upon one field

—showing with what destructive ferocity some of the ancient battles were fought. There is a touch of horror, felt anew after the lapse of so many ages, in Livy's brief description of the scene of slaughter at the dawn of the following morning. Some of the wounded, covered with blood and rising amid heaps of slain, were struck down by the un pitying hand of the foe; others, prostrate upon the field and unable to rise, laid bare their necks to the merciful blade which would end their suffering: some had excavated burrows for their heads in the dusty plain where they fell, and thus ended their agony by voluntary suffocation; and one instance is mentioned as attracting the special notice of the Carthaginians who explored the field—a dead Roman was found stretched upon the body of a living Numidian, whom he had torn with his teeth in the very act of expiring. A modern pen will be excused by humanity itself for thus recurring to the revolting details of an ancient battle. It is such details, rather than descriptions of carnage in gross, that touch the heart and quicken the feelings against the brutal work of war.

As to the oft mooted question, whether or not Hannibal could have taken Rome if he had pressed forward immediately after the battle, I think it is worthy of special notice that there was a strong opinion among the Romans themselves that he could have done so. "That day's delay," says Livy, referring to the inaction of Hannibal just after the battle

of Cannæ, "is firmly believed to have been the preservation of the city and the empire." If the investment of Rome at that moment would have led to the desertion of her Latin allies, as the defeat at Cannæ led to the desertion of the peoples of Southern Italy, it would seem that she must have succumbed. But who can now say what the action of the Latins would have been in such case? In favor of Montesquieu's view it may be added, that the character of Hannibal, as it comes to us in histories written by his enemies, represents him as combining—like all first-rate generals and men of action—*consummate audacity with consummate prudence*; and that, being but thirty-one years of age at the time of his great victory, he had not yet reached that time in life when the latter quality would be likely to act as an undue check upon the former. On the whole, however, there appears to be no certain means of determining whether the Romans, at this awful crisis in their history, were or were not indebted to fortune for their escape from a Carthaginian master; and the one opinion may be as good as the other.⁸

III. Here, too, it will be proper to add something further in relation to the comparative power and character of the two peoples who were thus engaged in a life and death struggle for the empire of the

⁸ Comp. *Livy*, Book XXII, chs. 36 to 56, Spillan & Edmonds' trans.; Mommsen's *Römische Geschichte*, Berlin, 1868, Vol. I, pp. 610–614; Arnold's *Hist. of Rome*, ch. xliii; Chambers' and Am. *Encyclopædias*, art. *Cannæ*; and Anthon's *Clas. Dic.*, arts. *Aufidus* and *Cannæ*.

Mediterranean states—a struggle in which the future interests of the world's civilization were deeply involved.

The single observation of Montesquieu, that “the establishment of Carthage in her territory was less solid than that of Rome in hers,” goes far towards accounting for the ultimate triumph of the latter. The power of the one—while yet confined to Italy—rested at once upon the solid physical base of a territory which was continuous, and upon the solid social base of a group of peoples who were similar in race, language, and political organization. The power of the other reposed upon a territory which was detached and straggling, and upon peoples between whom and their masters there existed very wide ethnîc, linguistic, and social differences. Carthage extended her power or her influence along the northern margin of Africa for a distance of about eighteen hundred miles, and held scattered outposts in Sicily, Sardinia, Corsica, Malta, the Balearic Islands, and Spain. The power of Rome was massed in the peninsula of Italy.

When we add to this that the Romans were intensely warlike, and thus took the lead in their own fighting, whilst the Carthaginians relied almost wholly upon mercenary troops, which they were enabled to subsidize by reason of their great gains in commerce, we can readily anticipate the final result. The matter of surprise is that Rome was brought to such great

peril, and that the Carthaginians were not beaten sooner and easier. This, however, is sufficiently accounted for by two causes, the one special, the other general. The special cause was, that it so happened that the Carthaginian armies were commanded by a succession of remarkably able men, closing with Hannibal, the ablest of all. The general cause was, that the Carthaginian mercenaries—especially the Iberians, the Gauls, the Balears and the Numidians—were the very best troops of the mercenary sort of which we have any account in ancient history—with the solitary exception of that famous Ten Thousand who first dishonored the Greek name by marching for hire in aid of a despotic pretender, and then immortalized it by their unmatched retreat.

With mercenary troops of such a character, continuing in service for years together, and led by a great general whose command was permanent, the military appointment of the Carthaginians was for a time really superior to that of the Romans themselves—embarrassed as the latter were by their system of annual enlistments and annual change of commanders.

In her best days, Carthage is said to have been 23 miles in circumference, and to have contained 700,000 inhabitants. Being of Phœnician origin, her speech belonged to the Semitic family of languages, and was closely allied to the Hebrew. Commercial gain being her dominant idea, the leading feature of

her government was aristocracy based upon wealth. Aristotle speaks highly of her constitution; and Dr. Arnold detects the identity of the two Suffetes—the chief magistrates of the city—with those officers who are styled Judges among the Hebrews.

The disgraceful malignity which prompted the Romans to destroy Carthage, when it was at length prostrate at their feet, and no longer able to lift a hand in defense, is nearly equalled by that meanness of spirit which suffered the literature of the great people they had crushed to be blotted from existence. After the destruction of the city, instead of transferring its libraries to Rome, and there preserving them as the repositories of a valuable part of the world's store of knowledge, it appears that the senate distributed them among the half savage "princes of Africa"; and the result is that a few meagre fragments, in a version of Greek or Latin, is all that survives to represent the entire literature of a nation which was the most active and powerful branch of that same Phœnician stock which gave letters to Greece, to Rome, to Europe and America.

Taking, however, the most comprehensive view of these rival cities, two facts—the one probable and the other certain—are alone sufficient to show that the Carthaginians were less adapted than the Romans to beneficial empire.

1. Hard as the Aryan Romans were in their exactions upon subject peoples, these African Semites

appear to have been still more so. Under the later emperors, the land tax of the Romans rose as high as thirty-three and one third per cent. of the net produce; whilst at the time of the first Punic War—if we are to credit Polybius—the like tax imposed by the Carthaginians upon their African subjects was fifty per cent.

2. Degrading and cruel as the Roman superstition was in some of its features, it was greatly less so than that of Carthage. The detestable rite of Human Sacrifice—which is at once the effect and the cause of the greatest debasement of spirit, although having too much place among the Greeks and Romans themselves, had altogether a stronger hold upon the Carthaginians, and, in their case, was much more ingrained and organic. The worship of the sun-god, Moloch or Baal—brought by the Carthaginians from their mother country—was probably the most revolting of which all antiquity contains any account. Wherever their power extended, on either coast of the Mediterranean, or along the shores of its beautiful islands, they established the altars of this hideous god; and so inveterate was their attachment to his worship, that for a long time after the overthrow of Carthage the Romans were unable to extirpate it. The following description—quoted from R. Simeon by Dr. N. Davis in his work on *Carthage and her Remains*—gives a frightful idea of these rites—practiced by the Carthaginians in common with their Phœnician progenitors:

"All the houses of idols were in the city of Jerusalem, except that of Moloch, which was out of the city, in a separate place. It was a statue with the head of an ox, and the hands stretched out as a man's who opens his hand to receive something from another. It was hollow within, and there were seven chapels raised, before which the idol was erected. He that offered a fowl or a young pigeon went into the first chapel; if he offered a sheep or a lamb, he went into the second; if a ram, into the third; if a calf, into the fourth; if a bullock, into the fifth; if an ox, into the sixth; but he only who offered his own son went into the seventh chapel, and kissed the idol Moloch, as it is said, 'Let the men that sacrifice kiss the calves.' The child was placed before the idol, and a fire made under it till it became red hot. Then the priest took the child, and put him into the glowing hands of Moloch. But, lest the parents should hear his cries, they beat drums to drown the noise. Therefore the place was called Tophet, from *Thoph*, *Thuppm*, that signifies drums. It was also called Hinnom, because of the children's cries, from the Hebrew word *naham*, to roar, or because the priests said to the parents, '*Yehenelah*,' 'It will be of advantage to you.'"

This abominable worship—a monstrous outbirth from the Semitic genius—followed the expansion of that race from Syria to the straits of Gibraltar, polluting the fairest heaven with the smoke of its al-

tars, and filling the minds of its votaries with gloom and terror. The description which Deodorus Siculus gives of the Carthaginian Moloch is no less revolting than the above—a brazen image with outstretched arms so inclined as to roll the child “into a pit below, filled with fire”; and Dr. Davis is satisfied, that the “ashes and bones” which he found in the deep excavation which he made upon the site of the ancient temple of Baal Hammon at Carthage, were the identical “remains of the victims immolated to this divinity.” Nor were infants the only human sacrifices which were made. Adults were also acceptable to the god, although it seems that children were the favorite and usual offering. And the number who were sacrificed appears to have been shockingly great. When Agathocles invested Carthage, no fewer than two hundred children, drawn from the first families of the city, were offered up to appease the wrath of Baal; and besides these, it seems that more than three hundred adult persons presented themselves as voluntary victims on the same occasion. Over against this it may be stated that, when Rome was all but overwhelmed by the defeat at Cannæ, the burying alive of four persons—two Greeks and two Gauls—was sufficient to satisfy her superstitious fears.

Judging the Carthaginians therefore only by such lights as we have in the total absence of the story which they might have told for themselves had their

literature survived, and assigning to them the most liberal credits—as in such case justice demands that we should do—yet, the sinister side of their character rather plainly appears to have united the two fatal drawbacks of supreme avarice and rapacity, and supreme devotion to a gloomy and bloody superstition. These qualities rendered them unfit to take charge of the general interests of civilization; and we may very safely conclude that it was not alone the destiny, but also the better *fortune*, of the Mediterranean world, that it was subjected to the Roman instead of the Carthaginian yoke.⁹

⁹ Aristotle's *Politics*, ch. xi; Arnold's *Hist. of Rome*, ch. xxii, & ch. xxxix, notes 2 & 14; Hume's *Phil. Works*, Boston, 1854, vol. iii, pp. 17, 478; Stephen's *Lectures on Hist. of France*, London, 1852, vol. i, p. 24; Adam's *Rom. Ant.*, Phila., 1872, pp. 214, 215, 221; Potter's *Grecian Ant.*, Edinburgh, 1808, vol. i, pp. 257, 258; *Livy*, Book XXII, ch. 57; Gibbon's *Rome*, vol. i, pp. 27–28; Anthon's *Clas. Dic.*, art. *Carthage*; *Carthage and her Remains*, N. Y., 1861, ch. xiii.

CHAPTER V.

STATE OF GREECE, OF MACEDON, OF SYRIA AND EGYPT,
AFTER THE ABASEMENT OF CARTHAGE.

I IMAGINE that Hannibal indulged in very few fine sayings, and fewer still in favor of Fabius and Marcellus and against himself. I regret to see Livy scatter his flowers of rhetoric over these colossal figures of antiquity, and would prefer that he had followed the example of Homer, who, whilst neglecting the decoration of his heroes, knows so well how to make them act.

It were at all events necessary that the remarks attributed to Hannibal should be sensible ones; but, if, on being informed of the defeat of his brother, he declared that he foresaw in that defeat the ruin of Carthage, I know nothing which could have been better calculated to depress the hopes of the peoples attached to his cause, and to discourage an army which looked forward to such great recompenses after the war should be finished.

As the Carthaginians put forward no army in Spain, Sardinia or Sicily, which was not unfortunate,

Hannibal, whose enemies constantly grew stronger, was finally reduced to the necessity of making war on the defensive. This suggested to the Romans the idea of carrying the war into Africa; and Scipio descended upon the southern shore of the Mediterranean. The successes which there attended his arms compelled the Carthaginians to recall Hannibal—who, in abandoning to the Romans a country in which he had so often vanquished them, shed tears of bitter regret.

All that a great statesman and a great general could do, Hannibal did to save his country. Not being able to incline Scipio to peace, he gave a battle, in which Fortune seemed to take pleasure in confounding his ability, his experience, and his good sense.¹

Carthage received peace, not from an enemy, but from a master. She was required to give hostages, to deliver over her vessels and her elephants, to pay ten thousand talents in fifty years, to engage in no war whatever without the consent of the Roman people; and, in order to hold her in perpetual humiliation, the power of Masinissa, her implacable enemy, was strengthened.

¹ This was the battle of Zama, which was fought in Numidia, B. C. 202, at a point about "five days journey west of Carthage." (Anthon's *Clas. Dic.*, articles *Zama* & *Hannibal*.) Here the power of the Carthaginians was irrecoverably broken. Their subsequent history is short, and is marked by the desperate but vain effort to rise again. At the close of the third Punic War, fifty-six years after the battle of Zama—B. C. 146—Carthage was captured and burned by the Romans.—TRANSLATOR.

After humbling the Carthaginians, Rome seldom had other than small wars and great victories; whereas, before that task was accomplished, she had had small victories and great wars.

Previous to the prostration of Carthage, there were, so to speak, two separate worlds. In the one, the Romans and the Carthaginians contended for empire; the other was agitated by the quarrels which continued from the time of the death of Alexander the Great. The East gave no thought to what was going on in the West;² for, although Philip, king of Macedon, made a treaty with Hannibal, almost nothing came of it. He contributed but very feeble succors to the Carthaginians, and uselessly disclosed to the Romans a bad will.

When two great peoples engage in a long and obstinate war, it is often bad policy in other nations to imagine that they can remain tranquil spectators of the conflict; for the one of the two which is conqueror immediately undertakes new wars, and a na-

² It is surprising, as Josephus remarks in the book against Apion, that neither Herodotus nor Thucydides should ever have spoken of the Romans, notwithstanding they had carried on such great wars. (a)

(a) We here see a striking illustration of the very limited intercommunication which existed between the states of the ancient world when compared with that which exists between modern nations. The peninsula of Greece and Italy are only separated by an arm of the Mediterranean—itsself an inland sea; and yet, for the purposes of mutual intelligence, they were much farther apart in the times of Herodotus and Thucydides, than are the continents of Europe and America at the present time.—TRANSLATOR.

tion of soldiers proceeds to attack peoples who are only citizens.³

This was clearly illustrated at the time of which we speak; for the Romans had scarcely subdued the Carthaginians, when they proceeded to assail new peoples, and to display their standard as invaders of the world.

There were then in the East but four powers capable of resisting them. These were the Republics of Greece and the Kingdoms of Macedon, Syria, and Egypt. It is necessary that we should look at the situation of the first two; for the Romans commenced by subduing them.

There were three considerable peoples in Greece—the Ætolians, the Achæans, and the Bœotians. These were associations of free cities, having general assemblies and common magistrates. The Ætolians were warlike, hardy, rash, avaricious of gain, always free with their word and their oath, and making war upon land as pirates do upon sea. The Achæans were incessantly harassed by their neighbors or by

³ What is here said was much more true in ancient than it is in modern times; and this is one of the prominent facts which go to prove the relatively greater ascendancy of the military spirit among the nations of antiquity than is seen in our own day. Supposing our Republic to have been influenced by the ancient spirit, it is eminently likely that her great armies, triumphant over the Rebellion in 1865, would have been turned upon Mexico or Canada; and, upon a similar supposition, it is equally likely that the returning armies of the German Empire, fresh from their triumphal march through Paris in 1871, would have been diverted to new fields of aggressive operation.—TRANSLATOR.

their inconvenient protectors.⁴ The Bœotians, the dullest of the Greeks, took the least part they could in general affairs. Guided solely by the sentiment of present good and evil, they had so little spirit that it was difficult for the orators to move them; and—what is extraordinary—their republic maintained itself even in a state of anarchy.⁵

Lacedæmon had preserved her power—that is to say, she had retained that warlike spirit which she had received from the institutions of Lycurgus. The Thessalians were in some sort subject to the Macedonians. The kings of Illyria had already been extremely crippled by the Romans. The Acarnanians and the Athamanes were ravaged successively by the forces of Macedon and by those of Ætolia. The Athenians, without allies,⁶ and without power of their own, had ceased to astonish the world except by the flattery of kings; and the tribune, where Demosthenes had spoken, was no longer ascended except for the proposal of the most cowardly and scandalous decrees.

⁴ Reference seems here to be made to the Macedonians, whose aid was invoked by Aratus, the Achæan commander, in the war which he was carrying on against Cleomenes, king of Sparta. As usual, the friendly aid of the powerful protector soon degenerated into oppression.
—TRANSLATOR.

⁵ The magistrates, in order to please the multitude, ceased to open the tribunals. The dying bequeathed their estates to their friends, to be expended in feasts. See a fragment of the twentieth Book of Polybius, in the *Extract of Virtues and Vices*.

⁶ They had no alliance with the other peoples of Greece. (Polybius, Book VIII.)

Greece was otherwise formidable from her situation, her strength, the multitude of her cities, the number of her soldiers, her police, her manners, and her laws. She loved war and she knew the art of war. She would have been invincible if she had been united. She had been surprised by the first Philip, by Alexander and Antipater, but not subjugated; and the kings of Macedon, who could not consent to abandon their pretensions and their hopes, persisted obstinately in the work of subduing her.

Macedon was almost surrounded by inaccessible mountains. Her people were admirably adapted to war. They were brave, obedient, industrious and indefatigable—qualities which they must have taken from the climate—since yet at the present day the men who are drawn from this country are the best soldiers of the Turkish empire.

Greece maintained herself by a sort of balance of power. The Lacedæmonians were generally allies of the Ætolians, and the Macedonians of the Achæans. But, upon the arrival of the Romans, all equilibrium was destroyed.

As the kings of Macedon could not support 'a large number of troops,' the least reverse was of consequence to them; and they found it difficult to extend their power; for, their designs not being unknown, the eyes of the other states were constantly open to their proceedings; and the successes which

¹ See Plutarch, *Life of Flaminius*.

they achieved in wars undertaken for their allies were regarded as evils which these same allies were the first to counteract.

But these kings were generally able princes. Their monarchy was not of the number of those which move forward by a species of pace imparted at the beginning. Continually instructed by dangers and by affairs, embarrassed by all the quarrels of Greece, it was necessary for them to gain the principal persons of cities, to dazzle the people, and to divide or reunite interests; in short, they were obliged, at each instant, to exhibit personal ability.

Philip,⁸ who, by his moderation at the beginning of his reign, had drawn to himself the love and the confidence of the Greeks, suddenly changed his course. At a time when he should have been just from policy and from ambition he became a cruel tyrant.⁹ He saw, although at a distance, the Carthaginians and the Romans, whose forces were immense. He had finished the war in which he had engaged to the advantage of his allies; and he had reconciled himself with the Ætolians. It was natural that he should think of uniting the whole of Greece with himself, in order to prevent it from falling under the dominion of foreigners. But, on the contrary, he irritated the Greeks by small usurpations; and, amusing himself with the discussion of vain interests when

⁸ Philip V of Macedon is here meant.—TRANSLATOR.

⁹ See, in Polybius, the injustices and the cruelties by which Philip brought himself into discredit.

his very existence was at stake, by three or four bad actions he rendered himself odious and detestable to all Greece.

The Ætolians were most offended; and the Romans, seizing the occasion of their resentment, or rather of their folly, formed an alliance with them, entered into Greece, and armed it against Philip.

This prince was defeated at the battle of Cynoscephalæ; and that victory was due in part to the valor of the Ætolians. Philip was so overwhelmed with consternation that he consented to a treaty which was less a peace than an abandonment of his own forces. He withdrew his garrisons from all Greece, delivered over his vessels, and obligated himself to pay one thousand talents in ten years.

With his usual good sense, Polybius compares the military method of the Romans with that of the Macedonians—which last had been adopted by all the successors of Alexander the Great. He points out the advantages and the inconveniences of the phalanx and the legion. He gives the preference to the latter; and, if we are to judge by the events of the time, it would appear that he was right.¹⁰

¹⁰ [Bossuet, in his *Discours sur l'Histoire universelle*, states these advantages and inconveniences, and, after having weighed them, accepts the opinion of Polybius, who for the rest has been followed by Livy, and by most of the writers who have occupied themselves with military matters. The following are the remarks of the bishop of Meaux:

“The Macedonians, so jealous in preserving the ancient order of their soldiery which had been formed by Philip and Alexander, believed that their phalanx was invincible; and they could not be persuaded that the

A circumstance which contributed much to put the Romans in peril during the second Punic war was the fact that Hannibal straightway armed his soldiers in the Roman manner. But the Greeks changed neither their arms nor their method of fighting. It did not so much as enter into their minds to renounce usages by means of which they had accomplished such great results.

The success which the Romans achieved against human mind was capable of contriving anything more firm. Polybius, however, and Livy after him, have demonstrated that, considering solely the nature of the Roman and the Macedonian armies, the latter could not fail to be beaten in the long run; for the Macedonian phalanx, which was but a great square battalion, and very heavy throughout, could only move as a whole; whereas the Roman army, divided into small bodies, was more active, and better adapted to all sorts of movements.

"The Romans then had discovered or very early learned the art of dividing armies into many battalions and squadrons, and of forming corps of reserve, of which the movement was so proper to push on or sustain those who might give way at one point or another. Let the Macedonian phalanx move against troops thus disposed. That big and unwieldy machine will be terrible, it is true, to an army on which it may fall with all its weight. But, as Polybius says, it could not long preserve its natural propriety—that is, its solidity and its consistence; for it required fields of action adapted to its composition, and, so to speak, made expressly for it; and in default of finding such it became self-embarrassed, or rather it broke from its own proper movement; and, being once broken, it knew not how to rally. On the other hand, the Roman army, being divided into small bodies, profited by all places, and accommodated itself to them. It united and separated at will. It defiled easily and reassembled without difficulty. It was adapted to the sending out of detachments, to rallying, and to all sorts of changes and evolutions, which it executed entire or in part as occasion required. It had more diverse movements, and consequently more action and more force than the phalanx. We conclude, therefore, with Polybius, that it was necessary that the phalanx should succumb to it, and that Macedon should be conquered." (*Troisième partie*, ch. vi.)]

Philip was the greatest of all the steps which they took in the way of general conquest.¹¹ In order to assure themselves of Greece, they humbled, in all manner of ways, those very Ætolians who had helped them to conquer her; and they ordered that every Greek city which had been under the dominion of Philip or of any other prince should be governed for the future by its own laws.

It is easy to see that these small republics could not be other than dependents. The Greeks abandoned themselves to a stupid joy, and believed themselves to be free in fact, for the reason that the Romans had declared them so.

The Ætolians, who had imagined that they should dominate in Greece, finding that they had only given themselves masters, were reduced to despair; and—as they always took extreme resolutions—seeking now to correct their folly by their folly, they called Antiochus, king of Syria, into Greece, as they had previously called in the Romans.

The kings of Syria were the most powerful of the successors of Alexander, for they possessed nearly all the states of Darius except Egypt; but events had taken place which had led to a great reduction of their power.

Seleucus, who founded the empire of Syria, had,

¹¹ If we regard the greatness of an achievement as proportioned to its difficulty, the prostration of the power of Carthage must be viewed as a much greater step in the career of Roman conquest than the subjugation of Greece.—TRANSLATOR.

towards the close of his life, destroyed the kingdom of Lysimachus. In the confusion of things many provinces revolted. The kingdoms of Pergamus, Capadocia, and Bithynia were formed; and these small and timid states constantly regarded the humiliation of their ancient masters as fortunate for themselves.

As the kings of Syria always looked with extreme envy upon the felicity of the kingdom of Egypt, they were absorbed with the purpose of conquering it. This led them to neglect the East; and the result was that they there lost many provinces, whilst they were very badly obeyed in the others.

Finally, the kings of Syria held both high and low Asia. But experience has shown in such case that, when the capital and the principal forces are in the provinces of low Asia, the dependencies of high Asia cannot be preserved; and that, when the seat of empire is in high Asia, it is weakened on the side of the lower provinces. The empires of Persia and Syria were never so strong as that of the Parthians, who only held part of the provinces of the first two. If Cyrus had not conquered the kingdom of Lydia—if Seleucus had remained at Babylon, and left the maritime provinces to the successors of Antigonus—the empire of Persia would have been invincible to the Greeks, and that of Seleucus to the Romans. To mortify the ambition of men, nature has prescribed certain boundaries to states. Whenever the

Romans transgressed these, they almost invariably perished at the hands of the Parthians;¹² whenever the Parthians dared to disregard them, they were immediately obliged to retrace their steps; and, in our own day, the Turks, who have advanced beyond these limits, have been constrained to retire within them.

The kings of Syria and Egypt had in their respective countries two classes of subjects—the conquering and the conquered peoples.¹³ The first, yet full of the idea of their origin, were very difficult to govern. They had not that spirit of independence which prompts men to throw off the yoke, but they were influenced by that impatience which creates the desire for a change of masters.

But the principal weakness of the kingdom of Syria arose from the feebleness of the Court, in which reigned the successors of Darius rather than of Alexander. Luxury, vanity, and effeminacy, which at no period have quitted the courts of Asia, were especially supreme in that of Syria. The malady extended to the people and to the soldiers, and became contagious among the Romans themselves; for the war which the latter made against Antiochus marks the true epoch of their corruption.

Such was the situation of Syria when Antiochus

¹² I will give the reasons for this in chapter xv. They are drawn in part from the geographical characters of the two empires.

¹³ That is, the conquering Greeks and the conquered Syrians and Egyptians.—TRANSLATOR.

—who had heretofore accomplished great things—undertook to make war against the Romans. But on this occasion he did not conduct himself even with the same prudence which men employ in ordinary affairs. Hannibal advised that the war should be renewed in Italy, and that Philip of Macedon should be gained or rendered neutral.¹⁴ Antiochus did nothing of the kind. He presented himself in Greece with a small part of his forces; and, as if he had desired to be a spectator of war, instead of engaging in it, he occupied himself with his pleasures only. He was beaten, and fled back into Asia—more frightened than conquered.

Philip—drawn along by the Romans during this war as by a torrent—aided them with all his power, and became the instrument of their victories. The pleasure of revenging himself and of ravaging Ætolia—the jealousy which he felt towards Antiochus—the promise that his tribute should be diminished and that some cities should be left to him—in short, small motives determined his course; and, not daring to conceive the thought of throwing off the Roman yoke, his only study was to mitigate its rigor.

Antiochus judged so badly of affairs that he imagined that the Romans would leave him undisturbed in Asia. But they followed him into his

¹⁴ Hannibal was now at the court of Antiochus, whither he had fled B. C. 196—some six years after the battle of Zama, and in about the fifty-first year of his age.—TRANSLATOR.

own dominions; they defeated him again; and, in his consternation, he consented to the most infamous treaty that was ever accepted by a great prince.

I know nothing so magnanimous as the resolution taken by a monarch who has reigned in our own time¹⁵—to bury himself under the ruins of his throne sooner than accept proposals which a king ought not to hear. He possessed a soul too proud to descend yet lower than his misfortunes had placed him; and he knew that, whilst courage may reaffirm a crown, infamy never does.¹⁶

¹⁵ Louis XIV.

¹⁶ I suppose Montesquieu here alludes to some incidents in the life of Louis XIV which occurred during the war of the Spanish Succession. In the year 1709 France was grievously pressed by the combined forces of England, Holland, and Austria, and Louis was well-nigh reduced to the last extremity. He sued for peace upon the humblest terms; but the allies, whom he had deeply offended, and who felt that they now had him at their mercy, were inexorable. So deplorable was the condition of France that, upon a representation of the state of the kingdom being made at a sitting of the king's council, by the Duke de Beauvilliers, the whole council was moved to tears. The Marquis de Torsi, a member of the council, proposed to go in person on a mission of peace. He proceeded under an assumed name to the Hague, and appeared in the antechamber of the Grand Pensionary, Heinsius. He could obtain no peace. The allies were willing, however, to accord a truce, but upon terms which were exceedingly humiliating, and coupled with conditions which were still more so—among which was the requirement that the French king "should unite his forces with those of his enemies, in order to drive his own grandson from Spain within the space of two months." It was upon being informed of these conditions that Louis is related to have said in presence of his council: "Since I *must* fight, I prefer to make war upon my enemies rather than upon my children." (*Puisqu'il faut faire la guerre, j'aime mieux la faire à mes ennemis qu'à mes enfans.*) But the heroism of the incident is much impaired by the circumstance

It is a common thing to see princes who know how to fight a battle; but there are few among them who know how to conduct a war; who are equally capable of availing themselves of fortune and of waiting for it; and who, together with that disposition of mind which imparts distrust before enterprises are undertaken, possess that intrepidity which fears nothing after they are entered upon.

After the overthrow of Antiochus, only small powers remained — if we except Egypt — which, in view of its situation, its fertility, and its commerce, in view of the number of its inhabitants and the strength of its forces on land and sea, ought to have been a formidable state. But the cruelty, the cowardice, the avarice and imbecility of its kings, joined to their frightful sensuality, rendered them so odious to their subjects that, for the most part, they were only able to maintain themselves through the protection of the Romans.

It was in some sort a fundamental law of the crown of Egypt that sisters succeeded with brothers ;

that, still supplicating for peace, the plenipotentiaries of Louis soon afterwards offered to recognize the Archduke Charles as king of Spain, to abandon Philip V to his fate, *and even to furnish money to aid in expelling him from the Spanish throne.*

At a later period of the war (1712) it is further related of this monarch that he told Marshall Harcourt “that, in case of a new disaster, he should summon all the noblesse of his kingdom, lead them against the enemy notwithstanding his age of 74 years, and perish at their head.” Executed, this would have been an heroic or a mad action ; threatened, it may have been no more than gasconade. (See *Siècle de Louis XIV*, chs. xxi, xxii.)—TRANSLATOR.

and, in order to maintain the unity of the government, the brother married the sister. It is difficult to imagine anything more pernicious in the polity of a state than such a succession. Every little domestic quarrel became a public disorder. The one of the two sovereigns who felt the least chagrin immediately excited against the other the people of Alexandria—an immense populace, always ready to join itself to the first of its rulers who appealed to it. In addition to this, the kingdoms of Cyrene and Cyprus being ordinarily in the hands of other princes of the same house, with reciprocal rights to all, it happened that there were nearly always princes reigning and princes who were pretenders to the crown. Thus it was that the sovereigns of Egypt were seated upon unstable thrones; and, being badly established within their own dominions, they were without power abroad.

The forces of the kings of Egypt, like those of the kings of Asia, consisted in their Greek auxiliaries. Aside from that spirit of liberty, of honor, and of glory, which animated the Greeks, they occupied themselves incessantly with all sorts of bodily exercises. They established games in their principal cities, at which the conquerors obtained crowns before the eyes of all Greece; and thus a spirit of general emulation was created.

At a time when men fought with arms the efficiency of which depended upon the physical strength and dexterity of those who used them, we cannot fail

to see that a nation of people thus exercised would possess great advantages over that multitude of barbarians who were taken indiscriminately and led to war without choice—as we clearly see in the case of the armies of Darius.

In order to deprive the kings of such soldiers, and to quietly strip them of their principal forces, the Romans did two things. In the first place, they gradually established it as a maxim among the Greek cities that the latter could form no alliance, supply no succors, nor wage any war whatever, without their consent. In the next place—in their treaties with the kings—they prohibited them from making any levies among the allies of the Romans, thus reducing them to the employment of their own national troops.¹⁷

¹⁷ The Romans had already practiced this policy with the Carthaginians, whom they obligated by treaty to avail themselves no longer of the services of auxiliary troops—as we see in a fragment of Dion.

NOTE BY THE TRANSLATOR.

At the close of this chapter—which carries us forward to a time when the Romans had extended their power very considerably beyond the limits of Italy—it is proper to add some observations with a view of giving a more comprehensive and definite idea of the manner in which that power affected the interests of civilization in general.

Two leading facts challenge our attention. First, in extending her sway over southern Europe, Rome dealt almost exclusively with cities, towns, and village communities. Secondly, the general character of the society thus constituted was greatly changed by her domination. Much light will be shed upon the position which the Romans occupy in universal history by considering the social value of these two cardinal facts—involving, as the one does, a rational idea of the leading feature of European society when these conquerors commenced their career, and the other a like idea of the principal changes wrought in this society by the extension of their power.

1. In early times, southern Europe was covered

over with independent towns or small combinations of towns, each surrounded by its little domain, and all occupied with ever-recurring quarrels among themselves. As a general fact, these town communities were more developed in Greece and Italy, and less so in Spain and Gaul. Considering the comparatively limited territories over which they were dispersed, their number was very great. Thus, for the Italian peninsula, we have to count the numerous towns of Great Greece or southern Italy; those of Samnium, Latium, Umbria, Campania, Picenum, and Etruria; those of the Sabines, the *Æquians*, the *Volscians*, the *Marsians*, the *Hernicans*, the *Pelignians*, the *Frentanians*, the *Vestinians*, and others. Of these, the little Latin confederacy alone is said to have been made up of “forty-seven independent communities,” by which we are to understand towns with diminutive portions of adjacent territory; and the *Æquians*—a people of still less importance—are reported to have possessed no less than forty “towns.”

The Gallic peoples, lying further north, were divided into many tribes, with loose interdependence, and grouped about municipal centers of which we may form some idea at a later epoch from the account of Cæsar, and at an earlier one from the remains of the Swiss Lake Villages of the stone and bronze periods. The number of these Gallic tribes is variously stated by ancient writers at from one hundred and fifteen to four hundred.

The peninsula of Spain was divided among a great number of these small communities, as is sufficiently apparent from the single statement of Livy, that Scipio, at the close of one campaign, received the submission of more than one hundred and twenty "states."

Crossing the Adriatic, we find that the same fundamental fact reappears upon the Grecian peninsula. Small as this celebrated territory is, we find it occupied by a considerable number of municipal states—Attica, Bœotia, Laconia, Argolis, Messenia, Elis, Arcadia, Corinthia, Achia, Megaris, and the rest—whose histories are little more than the histories of Athens, Thebes, Sparta, Argus, and the other capital cities of Greece.

Indeed—to ascend from particulars to a general principle—the tribal and municipal character was a necessary feature of all the early societies. It was a direct consequence of that process by which primitive societies appear to have been everywhere formed, and which Aristotle points out with an acumen which historical investigation persistently tends to verify: first the family (*hoikos*), arising from the junction of the sexes; then the tribe, or village (*kōmē*), arising from the junction of several allied families; then the more extended state (*pólis*), arising from the junction of several villages, or towns; and, it may be added, that as the family thus grew up into the municipal state, it very naturally gave to society its earliest form of civil government—the patriarchal.

Guizot fully recognizes the municipal character of that multitude of small European states which were absorbed by the Roman power; but he does not couple the fact with the cause; nor does he recognize the like character as having belonged to the early states of Asia. And Mr. Baldwin, in his able and very suggestive work on "The Prehistoric Nations," observing the municipal type of the ancient Mediterranean states, regards this form of political organization in Europe as having been due to a still more ancient influence exerted by the Arabian Cushites; thus referring to the particular genius of a single people a form of organization which is necessarily common to all mankind in a certain stage of social development.

Thus, then, when the Romans entered upon the stage of action, the civilization of the European world was divided up into a vast number of independent nuclei, with the consequent absence of extensive intercommunication and extensive social ideas, and the consequent presence of an ever-recurring succession of small wars. It appears probable that a society thus loosely constituted could hardly have stood as a bulwark against the accumulating force of the barbarous nations beyond the Alps, the Rhine, and the Danube. It seems likely that it would have been prematurely overwhelmed by the first great waves of invasion that came from the north.

2. The Romans changed this society in two main

respects: they gave it a considerable degree of unity; and they conferred upon it the boon of internal peace. As their standards advanced, carrying war in front, their conquering arms left peace behind. The result was that the social condition of southern Europe became less distinctly municipal and more universal in its character, less intensely military and more industrial in its tone. And—to take what is probably the highest view of the subject—that great Mediterranean Society was thus formed which, in the then existing condition of the world, seemed to be demanded as a counterpoise to the Barbarism of the North, and which performed its office so efficiently, not only by holding the barbarians in check during so many ages, but none the less by so modifying the threatening mass of barbarism itself, that, when its hour of triumph came, it was as much conquered by Rome as Rome by it. And thus it was that the Romans, without consciously intending it, and notwithstanding their enormous greed and oppression, performed an exceedingly great rôle in the interest of the world's civilization.¹

¹ See Lubbock's *Prehistoric Times*, ch. vi; Rüttimeyer's *Fauna der Phalbauten in der Schweiz*, Basel, 1861, pp. 230–244; Gibbon's *Rome*, ch. i, note 71; Livy, Book XXII, ch. 20, and XXVII, ch. 9, Spillan & Edmonds' trans.; Arnold's *Hist. of Rome*, chs. xi and xlv; Anthon's *Clas. Dic.*, art. *Æqui*; Ferguson's *Hist. of Rome*, ch. i; Dionys. Halicar., lib. iv; Maine's *Ancient Law*, New York, 1864, pp. 118–122; Guizot's *Histoire de la Civilisation en Europe*, Paris, 1871, pp. 42–44; Baldwin's *Prehistoric Nations*, New York, 1871, pp. 112–116; and Comte's *Philosophie positive*, Paris, 1869, tom. v, pp. 126, 127.

CHAPTER VI.

POLICY ADOPTED BY THE ROMANS FOR THE CONQUEST OF
ALL NATIONS.

IN the course of so much prosperity—from which men ordinarily grow negligent—the Roman senate was constantly actuated by the same profound policy; and, whilst the armies spread consternation on all sides, it held to the earth the nations which were once overthrown.

This body erected itself into a tribunal for the judgment of all peoples; and at the end of every war it decided upon the punishments and the recompenses which it conceived each to be entitled to. It took away parts of the lands of the conquered states, in order to bestow them upon the allies of Rome, thus accomplishing two objects at once—attaching to Rome those kings of whom she had little to fear and much to hope, and weakening those of whom she had little to hope and all to fear.

Allies were employed to make war upon an enemy; but the destroyers were at once destroyed in their turn. Philip was beaten with the help of the *Æto-*

lians, who were immediately afterwards annihilated for having joined themselves to Antiochus. Antiochus was beaten with the help of the Rhodians, who, after having received signal rewards, were humiliated for ever under the pretext that they had requested that peace might be made with Perseus.¹

When they had many enemies on hand at the same time, they accorded a truce to the weakest, which considered itself happy in obtaining such a respite—counting it for much to be able to secure a postponement of its ruin.

When they were engaged in a great war, the senate affected to ignore all sorts of injuries, and silently awaited the arrival of the proper time for punishment—when, if it saw that only some individuals were culpable, it refused to punish them—choosing rather to hold the entire nation as criminal, and thus reserve to itself a useful vengeance.

As they inflicted inconceivable evils upon their enemies, there were not many leagues formed against them; for those who were most distant from danger were not willing to draw nearer to it. The consequence of this was, that they were rarely attacked—whilst, on the other hand, they constantly made war at such time, in such manner, and against such peo-

¹ This Perseus was the son and successor of Philip V on the throne of Macedon. During his reign the war with the Romans was renewed. The power of Perseus was destroyed by Paulus Æmilius at the battle of Pydna; and Macedon—which under Alexander had extended her sway over half the known world—sunk (B. C. 148) to the condition of a Roman province.—TRANSLATOR.

ples, as suited their convenience; and, among the many nations which they assailed, there were very few that would not have submitted to every species of injury at their hands if they had been willing to leave them in peace.

It being their custom to speak always as masters, the ambassadors whom they sent to nations which had not yet felt their power were certain to be insulted; and this was an infallible pretext for a new war.²

As they never made peace in good faith, and as, with the design of universal conquest, their treaties were, properly speaking, only suspensions of war, they always put conditions in them which began the ruin of the states which accepted them. They either provided that the garrisons of strong places should be withdrawn, or that the number of troops should be limited, or that the horses or the elephants of the vanquished party should be delivered over to themselves; and, if the defeated people was powerful on sea, they compelled it to burn its vessels, and sometimes to remove, and occupy a place of habitation further inland.

After having destroyed the armies of a prince, they ruined his finances by excessive taxes, or by the imposition of a tribute under pretext of requiring him to pay the expenses of the war—a new spe-

² One of the examples of this sort is seen in their war against the Dalmatians. See Polybius.

cies of tyranny, which forced the vanquished sovereign to oppress his own subjects, and thus to alienate their affection.

When they granted peace to a king, they took some of his brothers or children as hostages. This gave them the means of troubling his kingdom at their pleasure. If they held the nearest heir, they intimidated the possessor; if only a prince of a remote degree, they used him to stir up revolts against the legitimate ruler.

Whenever any people or prince withdrew their obedience from their sovereign, they immediately accorded to them the title of allies of the Roman people,³ and thus rendered them sacred and inviolable; so that there was no king, however great he might be, who could for a moment be sure of his subjects, or even of his family.

Although the title of Roman ally was a species of servitude, it was nevertheless very much sought after;⁴ for the possession of this title made it certain that the recipients of it would receive injuries from the Romans only, and there was ground for the hope that this class of injuries would be rendered less grievous than they would otherwise be. Thus there was no service which nations and kings were not ready to perform, nor any humiliation which

³ See especially their treaty with the Jews, in the first Book of Maccabees, ch. viii.

⁴ Polybius tells us that Ariarathes made a sacrifice to the gods, in order to return them thanks that he had obtained this alliance.

they did not submit to, in order to obtain this distinction.

The Romans had many sorts of allies. Some were united with them by privileges, and by participation in their grandeur—as the Latins and the Hernicans; others by the very act of establishment—as their colonies; some were attached to them by benefits conferred—as Masinissa, Eumenes, and Attalus, who owed to them their kingdoms or their aggrandizement; others yet were held by voluntary treaties — and these, through a long continued habit of alliance, became subjects—as Egypt, Bithynia, Cappadocia, and most of the Greek cities; and many, finally, were united to them by forced treaties, and by the law of their subjugation—as Philip of Macedon and Antiochus of Syria; for they never made a treaty of peace with an enemy which did not involve an alliance; in other words, they never subdued a nation which they did not use as an instrument in the subjugation of others.

Whenever they left a city free, they at once gave rise to two factions among its citizens.⁵ The one defended the ancient laws and liberty of the city; the other maintained that there was no law but the will of the Romans; and, as the latter faction was always the stronger of the two, it is easy to see that such liberty was no more than a name.

Sometimes they rendered themselves masters of a country under pretext of testamentary inheritance.

⁵ See Polybius on the cities of Greece.

They entered into Pergamus, Bithynia, and Libya by means of the testaments of Attalus, Nicomedes,⁶ and Apion; and Egypt was enthralled by the will of the king of Cyrene.

With a view to rendering great princes permanently weak, they would not allow them to receive into their alliance any state to which they had accorded their own;⁷ and, as they never refused an alliance with any of the neighbors of a powerful monarch, this condition, embodied in a treaty of peace, left him without allies.

Furthermore, when they had vanquished any considerable prince, they provided in the treaty that he should make no war on account of his differences with the allies of Rome—that is to say, ordinarily, that he should make no war with any of his neighbors—but that he should put such differences in arbitration—a provision which deprived him of the future use of his military power.

And, in order to reserve such power wholly to themselves, they even denied the use of it to their own allies. As soon as the latter engaged in the least quarrel with each other, they dispatched ambassadors who compelled them to make peace. We need only refer to the manner in which they put a stop to the wars of Attalus and Prusias.

Whenever any prince had achieved a conquest—which oftentimes had exhausted him—a Roman em-

⁶ Son of Philopator.

⁷ This was the case with Antiochus.

bassador immediately came forward and plucked it from his hands. Among a thousand examples of this, we may recall how, with a word, they drove Antiochus from Egypt.

Knowing how admirably the peoples of Europe were adapted to war, they established it as a law that no Asiatic king should be permitted to enter into Europe for the purpose of subjugating any people whatever.⁸ The principal cause of the war against Mithridates was that he had subdued some barbarians in controvention of this prohibition.¹⁰

When they saw that two nations were engaged in war, although they may have had no alliance and no quarrel with the one or the other, they never failed to appear upon the scene—and, like our knights-errant, they took the part of the weaker. It was, says Dionysius of Halicarnassus, an ancient usage of the Romans to extend their aid to all who came to implore it.¹¹

These customs were not merely some particular facts which happened at hazard. They were permanently established principles, as may be readily seen; for the maxims which the Romans acted upon against the greatest powers were precisely those which they had employed in the beginning of their career against

⁸ This prohibition was applied to Antiochus even before the Romans made war with him, and it became general as to the other kings.

⁹ We have here a curious anticipation of our so-called "Monroe Doctrine."—TRANSLATOR.

¹⁰ APPIAN, *De Bello Mithridatico*, ch. xiii.

¹¹ Fragment of Dion. Hal. taken from the *Excerpt of the Embassies*.

the small cities which surrounded them. They availed themselves of Eumenes and of Masinissa in order to subjugate Philip and Antiochus as they had availed themselves of the Latins and the Hernicans in order to subjugate the Volscians and the Etrurians. They required the fleets of Carthage and of the kings of Asia to be turned over to them just as they had previously exacted the barks of Antium. They dissolved the civil and political connections of the four parts of Macedon in like manner as they had before broken the union of the small Latin towns.¹²

But, above all, their constant maxim was to divide. The Republic of Achaia consisted of an association of free cities: the Roman senate declared that for the future each city should govern itself by its own laws, without dependence upon any common authority. The Republic of Boeotia was a similar association of many cities; but as, during the war with Perseus, some of these cities followed the party of this prince, and others that of the Romans, the latter admitted them to grace, providing meanwhile for the dissolution of their common alliance.

If a great monarch,¹³ who has reigned in our day, had followed these maxims when he saw one of his neighbors dethroned, he would have employed greater forces to sustain him, and limited him to the island which remained faithful to his cause. By thus dividing the sole power which was able to oppose his de-

¹² LIVY, Book VII.

¹³ [Louis XIV.]

signs, he would have drawn immense advantages even from the misfortune of his ally.^{14 15}

Whenever any controversy arose in a state the Romans immediately judged the affair. By this means they were certain to have against them only the party which they had condemned. If it were a case in which princes of the same blood disputed the crown, they sometimes declared both to be kings.¹⁶ If one of them was under age, they decided in his favor, and took him into their tutelage, as protectors of the universe;¹⁷ for they had carried things to such a height that nations and kings were their subjects without knowing precisely by what title—it being established that it was enough to have heard them spoken of in order to owe them obedience.

They never made war at a distance without having first procured some ally near the enemy to be attacked, who might join his forces to the army which they sent out; and, as this army was never considerable for its numbers, they constantly ob-

¹⁴ [James II of England.]

¹⁵ The view here presented by Montesquieu appears to me to be very sagacious—that the true policy of Louis XIV, in imitation of that of the Romans in like case, was, not to attempt to drive William III from the throne of England, but to erect for James II a new throne in Ireland.—TRANSLATOR.

¹⁶ As happened to Ariarathes and Holophernes in Cappadocia.—APPIAN, in *Syriake*.

¹⁷ In order to be able to work the ruin of Syria in the character of tutors, they declared in favor of the infant son of Antiochus, and against Demetrius, the latter of whom, being in their hands as a hostage, implored them to render him justice, saying that Rome was his mother, and her senators his fathers.

served the practice of holding another in the province which was nearest the enemy, and a third at the city of Rome—always ready to march.¹⁸ Thus they only exposed a third of their own forces, whilst the enemy hazarded all of his.¹⁹

Sometimes they abused the subtlety of the terms of their language. They destroyed Carthage, saying they had promised to spare the city, and not the town.²⁰ And we know how the Ætolians—who abandoned themselves to their good faith—were deceived by them. The Romans pretended that the words—*to abandon themselves to the good faith of an enemy*—imported the loss of all sorts of things—of persons, lands, cities, temples, and even the sepulchres of the dead.

With equal facility they could impose an arbitrary interpretation upon a treaty. Thus, when they desired to humble the Rhodians, they said they had not previously given them Lycia as a present, but as a friend and ally.

When one of their generals concluded a peace in order to save his army, which was ready to perish, the senate, declining to ratify it, profited by the peace and continued the war. Thus, when Ju-

¹⁸ This was an invariable practice, as we may see in the course of their history.

¹⁹ See how they conducted themselves in the war with Macedon.

²⁰ That is, to spare the city taken as a *municipal corporation*, composed of its inhabitants, laws, and magistrates, as distinguished from the city taken as the *assemblage of its houses*, &c.—TRANSLATOR.

gurtha had cooped up a Roman army, and had allowed it to go upon the faith of a treaty, the very troops which he had spared from the sword were employed against him; and, when the Numantians had reduced twenty thousand Romans—near dying of famine—to ask for peace, that peace, which had saved the lives of so many citizens, was broken at Rome, and the public faith was eluded by sending to the enemy the consul who had signed it.^{21 22}

Sometimes they would treat for peace upon conditions which were reasonable; and, after these were executed, they would add others which were such as to force a renewal of the war. Thus, after they had compelled Jugurtha to give up his elephants, his horses, his treasure, and the deserters who had fled to him, they demanded that he should surrender his own person—a requisition which, being for a prince the last of calamities, can never be made a condition of peace.²³

Finally, they judged kings for their faults and for their private crimes. They heard the complaints of all who had controversies with Philip, and

²¹ They acted in the same manner with the Samnites, the Lusitanians, and the Corsicans. Respecting these last, see a fragment of the first book of Dion.

²² C. Hostilius Mancinus was the consul here alluded to. To the credit of the Numantians, they declined to receive him, and left him at liberty to return to Rome, which he did.—TRANSLATOR.

²³ They acted in the same manner with Viriathus: after having compelled him to surrender the deserters, they demanded that he should surrender his arms—to which neither he nor his followers could consent. (Fragment of Dion.)

sent deputies to look after their safety. They caused Perseus to be accused before them for some murders, and for some quarrels with citizens of allied towns.

As the glory of a general was estimated by the quantity of gold and silver which was carried in his triumph, he left nothing to the vanquished enemy. Rome continually grew richer, and each war gave her the means to undertake another.

All the nations who were her friends or allies ruined themselves by the immense presents which they made in order to retain her favor, or to obtain it in greater measure; and half the money which was sent for such purpose to the Romans would have sufficed to conquer them.²⁴

Masters of the world, they attributed to themselves all its wealth. They were ravishers less unjust in their character as conquerors than in their character as legislators. Having learned that Ptolemy, king of Cyprus, was immensely rich, they enacted a law, in pursuance of the proposition of a tribune, by which they gave to themselves the succession to a living man, and the confiscated estate of a prince who was an ally.²⁵

Soon the cupidity of individuals completed the spoliation of that which had escaped the public avarice. Magistrates and governors sold their in-

²⁴ The presents which the senate sent to kings were mere trifles, such as a chair and a baton of ivory, or some robe of magistracy.

²⁵ FLORUS, Book III, ch. ix.

justice to kings. Two competitors would ruin each other by their rivalry in the purchase of a protection which was always doubtful against any other rival who was not wholly exhausted; for there was wanting even the justice of brigands, who practice a certain probity in the trade of crime itself. In short, rights legitimate and rights usurped being maintained by means of money alone, princes, in order to obtain it, despoiled temples and confiscated the property of the richer class of citizens. A thousand crimes were committed in order to give to the Romans all the money in the world.

But nothing served Rome more effectually than the respect which she inspired among all nations. She immediately reduced kings to silence, and rendered them as dumb. With the latter, it was not a mere question of the degree of their power: their very persons were attacked. To risk a war with Rome was to expose themselves to captivity, to death, and to the infamy of a triumph. Thus it was that kings, who lived in pomp and luxury, did not dare to look with steady eyes upon the Roman people, and, losing courage, they hoped, by their patience and their obsequiousness, to obtain some postponement of the calamities with which they were menaced.²⁶

Observe, I pray you, the conduct of the Romans.

²⁶ As much as they could, they concealed their power and their wealth from the Romans. See, respecting this, a fragment of the first book of Dion.

After the defeat of Antiochus, they were masters of Africa, of Asia, and of Greece—holding, however, in their own right scarcely any cities in either. It seemed that they only conquered to bestow. But they retained such complete mastery in fact, that whenever they made war upon any king, they threw upon him, so to speak, the weight of the universe.

The proper time for seizing conquered countries had not yet arrived. If they had held the cities which they took from Philip, they would have opened the eyes of the Greeks. If after the second Punic war, or after the war against Antiochus, they had seized the countries of Africa and Asia, they would not have been able to retain conquests so incompletely established.²⁷ It was necessary to wait until all nations should become accustomed to obey as free states and as allies before commanding them as subjects, thus leaving them to lose themselves little by little in the Roman Republic. Witness the treaty which they made with the Latins after the victory which they obtained over the latter near the lake Regillus.²⁸ This treaty was one of the principal foundations of their power; and yet we do not find in it a single word which might excite a suspicion of empire.

²⁷ They did not dare to expose their colonies in these countries. They preferred to stimulate ceaseless jealousy between the Carthaginians and Masinissa, and to avail themselves of the aid of both in the subjugation of Macedon and Greece.

²⁸ Dionysius of Halicarnassus reports this treaty, Book VI, ch. xcv, Oxford edition.

This was a slow method of conquering. They vanquished a nation, and contented themselves with weakening it. They imposed conditions upon it which insensibly undermined its power. If it raised itself up, they humbled it yet more; and thus it became subject, without any one being able to fix the epoch of its subjugation.

Thus Rome was not, properly speaking, either a republic or a monarchy, but the head of a body which was made up of all the peoples of the world.^{29 30}

²⁹ [We are yet startled when we consider that nations which are at present such formidable kingdoms—all of Gaul, all of Spain, nearly the whole of Great Britain, Illyria as far as the Danube, Germany as far as the Elbe, Africa as far as her frightful and impenetrable deserts, Greece, Thrace, Syria, Egypt, all the kingdoms of Asia Minor and those which lie between the Euxine and Caspian seas, and others, perhaps, which I either forget or will not mention—were, during many centuries, no more than Roman provinces. (BOSSUET, *Disc. sur l'Hist. univ.*, troisième partie, ch. vi.)]

³⁰ And it may be added that, as in the sphere of empire this great governing head, the city of Rome, subsidized the physical force and the wealth of so many nations, so, too, in the sphere of intelligence, such purely intellectual distinction as it attained was mainly acquired by subsidizing genius from without. It has been justly remarked how few of the Latin authors were natives of Rome. Indeed, the great body of the Latin literature of the classical period was produced by men who were born in the neighboring states of Italy or in the provinces.

Of the poets, Ennius, "the father of Roman song," was a native of Calabria; Nævius was a native of Campania; Virgil was born at the village of Andes, near Mantua, in Cisalpine Gaul; Ovid at Sulmo, in the territory of the Pelignians; Horace at Venusia, in Apulia; Martial at Bilbilis, in Spain; Catullus in the territory of Verona; Persius at Volaterræ, in Etruria; Terence at Carthage; Lucan at Corduba, in Spain; Plautus at Sarsina, in Umbria; and Juvenal is said to have been born at Aquinum, in Latium. Tibullus and Lucretius were born at Rome.

Of the prose-writers, Cicero was a native of Arpinum, in Latium; Livy of Patavium, in Cisalpine Gaul; Pliny the Elder of Comum or Vero-

If the Spaniards, after the conquest of Mexico and Peru, had adopted a similar policy, they would not have been obliged to destroy all in order to hold all.

The desire to force their own laws and customs upon all peoples is the folly of conquerors. Such a policy is utterly worthless; for men are capable of obeying under every form of government.

Inasmuch as Rome imposed no general laws, the nations subject to her power were not united among themselves by any dangerous ties. They only constituted one body through a common obedience; and, without being compatriots, they were all Romans.

It will be objected, perhaps, that empires founded upon the laws of fiefs have never been either durable or powerful. But there are no two things in the world more opposite than were the polity of the Romans and that of the barbarians; and, to give but a word to these respective schemes of government—

na, in the same province; Pliny the Younger of Comum; Sallust of Amiturnum, in the territory of the Sabines; Quintilian of Calligurris, in Spain; Seneca of Corduba, in the same province; and Tacitus is commonly supposed to have been born at Interamna, in Umbria. Cæsar and Varro were natives of Rome. (See Anthon's *Clas. Dic.*, art. *Ennius*, etc.)

It may be that the number of the men of genius produced by Rome bears some such relation to the number of those who took their origin without as the population of the city bore to the aggregate population of the outlying towns in which letters had taken some hold. But the facts stated mean more. In harmony with the like experience in modern times, they concur in showing that great cities have no special aptitude for giving birth to great men, and that they rather serve as theatres for the display of genius than as nurseries for its production.—TRANSLATOR.

the first was the work of strength, the other of weakness; in the one subjection was extreme, in the other independence. In the countries which were conquered by the Germanic nations, the power of the state was in the hands of vassals, the right only in the hands of princes. The case was completely the reverse with the Romans.

NOTE BY THE TRANSLATOR.

WE find in the preceding chapter a masterly statement of the principal elements of what, in modern phrase, may be termed *the foreign policy* of the Romans—that low, selfish, but exceedingly consistent and able policy, which, in the circumstances of the ancient world, was best calculated to conduct them to empire. There was one custom, however—intimately connected with this policy—which merits more attention than is given to it in the text, inasmuch as it supplies an exceptionally excellent illustration of the semi-savage military spirit which characterized the ancient nations in general and the Romans in a special manner. I allude to that *Triumph* which was so much dreaded by kings and princes. When this usage is studied in connection with the analogous war customs of the true savage, a close kinship is at once detected; and so important is the triumph, as a means of helping to a correct idea of the Roman type of civilization, that I will here insert a description of it at some length, drawn with admirable care and learning from many ancient sources:

“The triumphal procession began from the Campus Martius, and went from thence along the Via Triumphalis, through the Campus and Circus Flaminius to the Porta Triumphalis, and thence through the most public places of the city to the capitol.

“The streets were strewed with flowers, and the altars smoked with incense.

“First went musicians of various kinds, singing and playing triumphal songs; next were led the oxen to be sacrificed, having their horns gilt, and their heads adorned with fillets and garlands; then in carriages were brought the spoils taken from the enemy—statues, pictures, plate, armor, gold and silver, and brass; also, golden crowns, and other gifts sent by the allied and tributary states. The titles of the vanquished nations were inscribed on wooden frames, and the images or representations of the conquered countries, cities, &c. The captive leaders followed in chains, with their children and attendants; after the captives came the lictors, having their fasces wreathed with laurel, followed by a great company of musicians and dancers, dressed like satyrs, and wearing crowns of gold: in the midst of whom was a pantomime, clothed in a female garb, whose business it was, with his looks and gestures, to insult the vanquished. Next followed a long train of persons carrying perfumes. Then came the general (Dux), dressed in purple embroidered with gold, with a crown of laurel on his head, a branch of laurel in his right hand, and in his

left an ivory sceptre, with an eagle on the top, having his face painted with vermillion, in like manner as the statue of Jupiter on festival days, and a golden ball hanging from his neck on his breast, with some amulet in it, or magical preservative against envy, standing in a gilded chariot adorned with ivory, and drawn by four white horses, at least after the time of Camillus, sometimes by elephants, attended by his relations, and a great crowd of citizens all in white. His children used to ride in the chariot along with him, and, that he might not be too much elated, a slave, carrying a golden crown, sparkling with gems, stood behind him, who frequently whispered in his ear, REMEMBER THAT THOU ART A MAN! After the general, followed the consuls and senators on foot, at least according to the appointment of Augustus; for formerly they used to go before him. His legati and military tribunes commonly rode by his side.

“The victorious army, horse and foot, came last, all in their order, crowned with laurel, and decorated with the gifts which they had received for their valor, singing their own and their general’s praises; but sometimes throwing out railleries against him, often exclaiming *Io TRIUMPHE*, in which all the citizens, as they passed along, joined.

“The general, when he began to turn his chariot from the forum to the capitol, ordered the captive kings and leaders of the enemy to be led to prison, and there to be slain, but not always; and when he

reached the capitol, he used to wait till he heard that these savage orders were executed.”¹

Upon analyzing this representation, it is seen, on the one hand, that the display of the spoils of the enemy—the coarse exultation of the conquering chief—the red war-paint with which his face was covered—the cruel insult and mockery inflicted upon the disarmed and powerless captives—and the admitted right, sometimes at least exercised, of slaying these captives as a part of the performance—are strictly savage elements; whilst, on the other hand, the resources of art which entered into the spectacle, the forethought, the purpose of great and permanent empire with which it was associated, evince a culture much more than savage. And thus the Triumph declares the status of Rome to have been what it really was—an intermediate state between pure savagery and the more advanced civilization which has succeeded.

It is this hard military character of the Romans, combined with their relentless policy of conquest, that has given rise to the greatest difficulty in settling their true historical value—the judgments of eminent writers fluctuating between the opposite opinions that they were a great benefit and a great curse to the interests of humanity. With a view to clearing up, or at least diminishing this difficulty, I have already devoted some part of these Notes

¹ Adam's *Roman Antiquities*, Phila., 1872, pp. 265, 266.

to the purpose of presenting an idea of the *main function* which the Romans performed in universal history; and I will here add something further in the same direction.

Correct conceptions of such national functions, or, in other words, correct conceptions of the "world-historical" values of different peoples, belong to the highest results of rational history; and, in the absence of such conceptions, our historical knowledge, however complete in details and in lesser generalizations, remains essentially superficial. We need to know what distinctive service each of the historical peoples has rendered to civilization in general. The whole of human history is to be viewed as a vast movement in the direction of an ideally perfect civilization; and particular nations are to be valued according to the influence which they exert upon this movement. Waiving the difficult and obscure question whether or not there are peoples whose values are purely retardative, it is certain, at all events, that the best contributions to human development so far have been chiefly due to a comparatively small part of the total race. Take away what has been done by the Aryan family, and by the small Judaic section of the Semitic family, and the civilization of the world becomes wonderfully impoverished.

Of the Aryan stock in ancient Europe, the Greeks were pre-eminent for *thought* and *art*, the Romans for *action*. The distinctive genius of the

one was eminently theoretical—everywhere seeking universality in idea and perfection in taste; the distinctive genius of the other was intensely practical—everywhere seeking universality of empire. One great consequence which has proceeded from this difference is, that the Greeks have left an unchallenged reputation as rich contributors to the world's store of civilization, whilst the repute of the Romans in this respect is by no means so unequivocal.

As transcendent thinkers and artists, the prodigious impulse which the Greeks gave to the world's thought and æsthetic feeling is a fact so singularly attractive in itself, and so obviously beneficent in its nature, that all agree in assigning to it a very high positive value. As transcendent actors, on the other hand, the Romans were the great disturbers of the ancient world—everywhere beating down, often destroying, and always pursuing a policy of conquest which was thoroughly selfish and unscrupulous. It hence follows that our idea of their work will vary, accordingly as we set more store upon the worse or the better results of their action. Under the first aspect, they are to be viewed as cruel and remorseless conquerors—so cunning with all their pride, so secretive with all their professed openness of character, so double-dealing with all their boasted regard for good faith, that their proceedings often rivalled the most unworthy passages that are to be found in the annals of human meanness. Under the second aspect,

they are to be viewed as the agents by whom a civilization made up of scattered nuclei, and characterized for small social ideas, small policies, small antagonisms, and small industrial development, was transmuted into a civilization vastly larger in its physical connections and social conceptions, and at the same time much more pacific and industrial in its character. We have here a result of such primary importance, that it seems judicious to say that it overbalances the immense debit side of the account, and thus admits the Romans to the distinction of having imparted—in a manner however different from that of the Greeks—a great and fundamental impulse to the world's civilization.

As a justification of the analysis just made, it is curious and instructive to notice the two different classes of terms which distinguished writers have employed to express their most general idea of the part which the Romans performed in history.

Mainly influenced, it would seem, by the first of the foregoing views, Dr. Robertson says: "The martial and independent spirit which had distinguished their ancestors became, in a great measure, extinct among all the people subjected to the Roman yoke; they lost not only the habit but even the capacity of deciding for themselves, or of acting from the impulse of their own minds; and the dominion of the Romans, like that of all great empires, degraded and debased the human species."

Quite in the same vein is the language of Abbé Raynal in reference to the influence exerted by the Roman sway: "Their despotism, their military government, oppressed the nations, extinguished genius, and degraded the human race." And Buckle seems to be influenced chiefly by the same side of the case when he speaks of the Romans as—"The scourges and oppressors of the world, whom a false and ignorant sympathy has invested with noble qualities which they never possessed."

Not to go further, Gibbon and Comte, on the other hand—with what I take for better reason—appear to regard the second of the foregoing views as the leading element of a correct historical valuation. "Whatever evils," says the great historian, "either reason or declamation has imputed to extensive empire, the power of Rome was attended with some beneficial consequences to mankind; and the same freedom of intercourse which extended the vices diffused likewise the improvements of social life." And Comte supplies a much more definite and comprehensive appreciation of the value of the Romans upon the plane of the world's history: "Born to command in order to assimilate—destined to extinguish irrevocably, by their universal ascendant, that sterile military activity which threatened indefinitely to prolong the decomposition of humanity into small antagonistic peoples, who only agreed with each other in delaying the general rise of a

fundamental civilization—this noble people, notwithstanding their immense imperfections, certainly manifested, in a high degree, that assemblage of qualities which were best adapted to such a mission—a mission which, inasmuch as it could never reproduce itself, nor consequently permit a new *éclat* of the same kind, will necessarily perpetuate their name to whatever age the political life of our species may be prolonged.”²

It is chiefly to the fact that the Romans united a multitude of small hostile states in a single great one of comparative internal peace and order, and to the further fact that the powerful state thus constituted stood for ages as a barrier to, and a modifier of, the ancient barbarism of northern Europe and northwestern Asia, that we must look for a rational conception of the highest and best part which these conquerors performed in the world’s history.³

² See Comte’s *Philosophie Positive*, Paris, 1869, tom. v, pp. 193, 194; Gibbon’s *Rome*, New York, 1870, vol. i, p. 65; Buckle’s *Hist. of Civ. in England*, New York, 1870, vol. ii, p. 129; Raynal’s *Histoire Philosophique des deux Indes*, Paris, 1783, tom. i, p. 8; Robertson’s *Charles V*, Phila., 1812, vol. i, p. 2.

³ See my *Note* at the end of Chapter V.

CHAPTER VII.

MITHRIDATES—HOW HE WAS ABLE TO RESIST THE ROMANS.

OF all the kings whom the Romans attacked, Mithridates alone defended himself with courage, and placed them in peril. The situation of his states was admirable for the prosecution of war against Rome. They touched upon the inaccessible countries of the Caucasus, filled with fierce nations which he could summon to his service; and thence they extended along the shores of the Pontus-Euxine. This sea Mithridates covered with his fleets, by means of which he was enabled continually to bring in new armies of Scythian mercenaries. Asia was open to his incursions; and—inasmuch as his cities upon the Euxine carried on an advantageous commerce with the less industrious nations—he was rich.

Proscription—of which the practice commenced at this time—compelled many Romans to abandon their country. These Mithridates received with open arms. He formed legions in which he placed them, and which constituted his best troops.¹

¹ Frontinus (*Stratagems*, Book II) says that Archelaus, lieutenant of Mithridates, engaged against Sylla, placed his scythe-chariots in the first

On the other hand, Rome, embarrassed by her civil dissensions, and occupied with ills more pressing, neglected the affairs of Asia, and left Mithridates to pursue his victories, or to recuperate after his defeats.

Nothing had contributed more to the ruin of most of the kings than the desire which they had manifested for peace. They had thus discouraged all other peoples from sharing with them in a danger from which they had shown so marked an inclination to withdraw themselves. But Mithridates at once caused it to be everywhere felt that he was an enemy of the Romans, and that he would always be such.

Finally, the cities of Greece and Asia, finding that the Roman yoke grew heavier upon them every day, gave their confidence to this barbaric king,² who called them to liberty.

rank, his phalanx in the second, and in the third his auxiliaries armed in the Roman manner: *Mixtis fugitivis Italiæ, quorum perviciaciæ multum fidebat*. Mithridates even formed an alliance with Sertorius. See Plutarch, *Life of Lucullus*.

² It seems probable that few contemporary Romans were superior, and not many equal, to this "barbaric king" in mental culture. He is said to have given "great attention to the study of philosophy and polite literature," and to have been "able to converse in twenty-two different languages"—which would apparently make him the linguistic superior of Sir William Jones, whose number of really conquered languages appears to have been but sixteen—but would yet leave him greatly the inferior of Mezzofanti, who "understood and spoke fifty-eight different tongues," and whom Byron might well describe as "a walking polyglot, a monster of languages, and a Briareus of parts of speech." (Anthon's *Clas. Dic.*, art. *Mithridates*; Lord Teignmouth's *Life of Sir Wm. Jones*, Phila., 1805, pp. 385, 386; Chambers' *Enc.*, art. *Mezzofanti*.)—TRANSLATOR.

This disposition of affairs gave rise to three great wars, which form one of the finest parts of Roman history; for we do not here contemplate princes already conquered by luxury and pride—as was the case with Antiochus and Tygranes—nor yet by their fears—as we see in the instances of Philip, Perseus, and Jugurtha; but we behold a magnanimous king, who, in the midst of adversities—like the lion that looks at his wounds—was only rendered the more resolute and indignant.

These were singular wars; for during their continuance revolutions were incessant and always unexpected. If, on the one hand, Mithridates could easily replenish his armies, it happened on the other, when reverses took place, and when consequently there was most need of obedience and discipline, that his barbaric troops abandoned him. If he had the art of winning nations, and of inducing cities to revolt, he in his turn experienced perfidy on the part of his generals, his children, and his wives; and if at times he had incompetent Roman commanders to deal with, he was confronted at other times by Sylla, Lucullus, and Pompey.

After having beaten the Roman generals, and achieved the conquest of Asia, Macedon, and Greece, this prince was vanquished in his turn by Sylla, and reduced by treaty to his ancient limits. Harassed still by the Roman commanders, he became a second time their conqueror, and the conqueror of

Asia. Driven before Lucullus, he was followed into his own country, and compelled to fly to the court of Tygranes; and, seeing the latter ruined without resource after the defeat to which he too was subjected, and relying solely upon himself, he took refuge in his own states, and there re-established himself.

Pompey succeeded Lucullus, and Mithridates was overwhelmed. He fled from his own states. Crossing the Araxes, he marched from peril to peril through the country of the Lazians; and, assembling the barbarians whom he found along the line of his route, he appeared in Bosphorus, before his son Machares, who had made his peace with the Romans.³

In the abyss in which he found himself, Mithridates formed the design of carrying the war into Italy—of marching to Rome at the head of the same nations who subjugated the empire some centuries later—and by the same road which they took.⁴ Betrayed by Pharnaces, another of his sons, abandoned by an army which was alarmed at the greatness of his enterprises and deterred by the dangers which he was about to seek, he died as a king.⁵

It was then that Pompey, by the rapid succession of his victories, completed the pompous work of Roman aggrandizement. He added immense countries to the body of the empire—countries, how-

³ Mithridates had made him king of Bosphorus. On hearing of the arrival of his father, he killed himself.

⁴ See Appian, *De Bello Mithridatico*, ch. cix.

⁵ He committed suicide, to avoid capture.—TRANSLATOR.

ever, which contributed more to the spectacle of its magnificence than to the real measure of its force; and, although it appeared by the placards which were borne in his triumph that he had augmented the revenues of his country by more than one third, yet, in fact, the actual power of the state was not increased, whilst public liberty was only the more endangered.*

* See Plutarch, in the *Life of Pompey*; and Zonaras, Book II.

NOTE BY THE TRANSLATOR.

MITHRIDATES was one of the most extraordinary men with whom we meet in the whole course of Roman history. Cicero, who was his contemporary, reckons him to have been, after Alexander, the greatest of the kings;¹ and in another place attributes to him the distinction of having been indisputably the foremost of all the kings with whom the Roman people had waged war.² Next to Hannibal, he appears to have been the most formidable enemy with whom republican Rome had to deal; and, had the material of his armies been equal to that which composed the phalanxes of Greece, the legions of Rome, or the columns of the Carthaginians during the second Punic war, it is easily within the range of rational conception that his rôle as a warrior or conqueror might have ranked in history with those of Hannibal, Cæsar, and Alexander. But the marked and ever-recurring inferiority of the Asiatic infantry

¹ . . . *ille rex post Alexandrum maximus.* *Acad. Quæst.*, lib. secundus, 1.

² . . . *omnibus regibus, quibuscum populus Romanus bellum gessit, hunc regem nimirum antepones.* *Pro Murena*, cap. 15.

to that of Europe made it impossible for any leader, however great his ability, to effectually resist the expansion of the Roman power into Asia.

For five-and-twenty years, with small interruptions, Mithridates kept up the struggle with Rome; defeating and being defeated; rallying from disaster and reinstating himself with astonishing genius and energy; until at length, reduced to extremity, he formed the daring design to which Montesquieu refers in the text. This was—to march from the north and east of the Euxine to Gaul, and thence, with the added forces which he might assemble on his route, and with the still additional aid of the disaffected Gauls, descend upon northern Italy, availing himself, furthermore, of all disaffections towards Rome which he might find among the Italian peoples—repeating thus, in a modified form, the great movement of Hannibal.*

At the time Hannibal executed his feat he was about twenty-nine years of age; at the time Mithridates resolved to execute his, he was about sixty-eight.

The education of Mithridates was Grecian, and he appears to have excelled all the monarchs of his time in mental culture. According to the description given of him by Appian, he was endowed with a magnificent physique. He was great in size, powerful, and active; he drove eight pair of horses before his car; and he was able to ride—by means of a relay of horses—one

* See Appian, *De Bello Mithridatico*, ch. 109.

thousand stadia in a day⁴—a distance equal to about one hundred and fifteen English miles. He evidently belonged to the Nimrod rather than to the Sardana-palus type of Asiatic despots.

For the rest, Mithridates seems to have united villanous criminality with his great ability. Appian accuses him of having murdered his mother, his brother, three sons, and as many daughters;⁵ and he is, moreover, doubtfully accused of having ordered that general massacre of Roman citizens in Asia, the victims of which are variously stated at 80,000 or 150,000 persons. In presence of such deeds—whether certain or doubtful—history is constrained to acquiesce in his overthrow—despite his eminent genius and his heroic resistance of Rome.

After the prostration of the power of Mithridates, the door to Asia was flung wide open to the Romans; and the greatly increased spoils thence transported to Rome hastened the corruption in which the republic was so soon to perish.

⁴ *Ibid.*, ch. 112.

⁵ *Erat autem crudelis in omnes et sanguinarius; matris fratrisque interfector, et trium filiorum ac filiarum totidem.* (*Ibid.*)

CHAPTER VIII.

OF THE DIVISIONS WHICH CONSTANTLY EXISTED IN THE
CITY OF ROME.

DURING the time that Rome was conquering the world, a hidden war was going on inside her own walls. The fires which burned within her bosom, like those of volcanoes, burst forth whenever any exciting cause presented itself to increase their activity.¹

¹ Machiavelli attributes Roman liberty to the incessant struggle here referred to between the upper and the lower classes. He says "two diverse humors" exist in all cities, which derive their origin from the fact "that the people desire to be neither commanded nor oppressed by the great, whilst the great desire to command and oppress the people"; and, speaking of the Romans in particular, he adds: "Those who condemn the tumults between the Nobles and the Plebs appear to me to blame the very things which were the first cause of the maintenance of Roman liberty, and to look more to the uproar and the outcries which attended these tumults than to the good effects which they produced, and not to consider how it is that there are in every republic two diverse humors—that of the people and that of the great—from the disagreement of which proceed all the laws which are made in favor of liberty, as we may readily see was the case in Rome; for, from the time of the Tarquins to the time of the Gracchi, which was more than three hundred years, the tumults of Rome rarely led to exile, and very rarely to the shedding of blood. Neither can these tumults be regarded as mischievous, nor a republic as divided, which, by reason of its dissensions

After the expulsion of the kings, the government became an aristocracy. The patrician families alone obtained all the magistracies, all the dignities,² and consequently all the civil and military honors of the state.³

Desiring to prevent the return of the kings, the patricians sought to strengthen the revolutionary movement which had taken place in the popular mind. But, in accomplishing this purpose, they did more than they intended; for, while imparting to the people a hatred for kings, they imparted to them an immoderate desire for liberty; and, inasmuch as the entire authority of the kings had passed into the hands of the consuls, the people felt that they had not obtained that liberty, the love of which the patricians had so much encouraged. They sought, therefore, to lessen the power of the consulate, to obtain plebeian magistrates, and to share the curule offices with the patricians.

The latter were forced to concede all that the during so long a period of time, sent into exile not more than eight or ten of its citizens, put very few of them to death, nor even imposed a pecuniary fine upon many." (*Discorsi*, lib. i, cap. iv.)

The "two diverse humors" of Machiavelli presents an idea which goes deep and extends far. Everywhere liberty has been the result of sharp self-assertion on the part of the people; and everywhere, when this has been wanting, "the great" have absorbed the powers of the state.—TRANSLATOR.

² The patricians had even in some sort a sacred character; they only could take the auspices. See in Livy, Book VI, chs. xl, xli, the harangue of Appius Claudius.

³ For example, they only could have the honors of a triumph, since they only could be consuls and command armies.

people demanded; for, in a city in which poverty was public virtue, and in which wealth—that stupid means to power—was despised, birth and dignities could give no great advantage. It was necessary, therefore, that the power of the state should return to the greatest number, and that the aristocratic should be gradually changed into a popular form of government.

Those who obey a king are less tormented by jealousy and envy than the citizens of a country governed by an hereditary aristocracy. A monarch is so distant from his subjects that he is seldom seen, and he is so far above them that they cannot imagine any likeness between him and themselves which is capable of being a source of offense to them; but the nobles who govern a country are under the eyes of everybody; and they are not so elevated but that odious comparisons are continually made. Accordingly, it has been the experience of all past ages, as it is of the present, that the people detest aristocrats. Republics, in which birth confers no part in the government, are in this respect the most happy; for the people feel less envy of an authority which they themselves bestow upon whom they will, and which they can resume at their pleasure.

The people of Rome, being dissatisfied with the patricians, withdrew to the Mons Sacer.⁴ Deputies

⁴ A ridge of hills, lying about three miles outside the city, beyond the little river Anio, and called *sacred mount*, not at the time, but from the

were sent by the other party, who succeeded in appeasing them; and, since they all promised mutual assistance to each other in case the patricians should not observe their pledges⁵—a means of defense which would have led to seditions at every instant, thus disturbing all the functions of the state—it was thought best to create a magistracy whose duty it should be to prevent injustice from being done to the plebeians.⁶ But, by an eternal infirmity of human nature, the plebeians, who had obtained Tribunes for defense, employed them for attack.⁷ Little by little they wrested from the patricians a share in all their prerogatives—a course of procedure which gave rise to continual dissensions in the state. In these contests the people were sustained, or rather animated, by their tribunes, whilst the patricians were defended by the senate—which body, being composed almost wholly of patricians, was governed more by the ancient maxims, and influenced by a fear that the populace would elevate some tribune to the tyranny.

On their part, the people resorted to their own circumstance that it was subsequently dedicated to Jupiter. (Livy, Book II, ch. 32; Ferguson's *Rom. Rep.*, ch. ii; Anthon's *Clas. Dic.*, art. *Mons Sacer*.)—TRANSLATOR.

⁵ Zonaras, i, ii.

⁶ This was the origin of the Tribunes of the people.

⁷ So far from being an *infirmity*, the property of human nature here referred to is, at bottom, one of its noblest endowments; it is that property which aspires to an equality of rights among men, and which imparts to the world's civilization a slow, interrupted, but ever-recurring movement in the direction of Democracy.—TRANSLATOR.

proper force, and made use of their superiority in the suffrage; they refused to go to war, and threatened to withdraw; they availed themselves of the partiality of their laws,⁸ and passed judgments of condemnation against those who resisted their demands too strenuously. The senate, on the other hand, defended itself by its wisdom, its justice, and the love of country which it inspired; by the benefactions which it dispensed, and the wise application which it made of the public funds; by the respect which the people had for the glory of the principal families and the virtues of great personages;⁹ by the influence of religion, the prestige of ancient institutions, and the suppression of days of public assemblage under pretext that the auspices had not been favorable; by the hold which it had upon its clients, by the opposition of one tribune to another, and by the creation of a dictator;¹⁰ by the diverting influence of

⁸ That is, of the *plebiscites*, originally a sort of "by-laws," made by, and applicable to, the plebs alone, but afterwards so extended in their operation as to affect the other orders of the state. (See Cooper's *Justinian*, Phila., 1812, p. x; and Ferguson's *Rom. Rep.*, ch. ii.)—TRANSLATOR.

⁹ The people, who loved glory, and who were composed of men who had passed their lives in war, could not refuse their suffrages to a great man under whom they had fought. They obtained the right to elect plebeians, and they elected patricians. Whilst providing that there should always be one plebeian consul, they were obliged to tie their own hands; for the plebeian families also, who were once placed in office, were continually elected thereto afterwards; and, when the people elevated some man of little worth, as Varro or Marius, it was a species of victory which they achieved over themselves.

¹⁰ As a means of defending themselves, the patricians resorted to the expedient of creating a dictator. This succeeded admirably; but the

a new war, or the quieting effect of calamities which reunite all interests; by a paternal condescension in according to the people a part of their demands in order to induce them to abandon others; and, finally, by the constant maxim of preferring the preservation of the Republic to the prerogatives of any order or of any magistracy whatever.

In the course of time, when the plebeians had so far humbled the patricians that the distinction between the two had become a vain thing," and when patricians and plebs were indifferently elevated to the honors of office, new disputes arose among the common people. They were agitated on the one hand by the tribunes, and on the other by the principal patrician and plebeian families, who were now called nobles, and who were supported by the senate—which body was composed of them. But, inas-much as the ancient manners had disappeared, as private individuals possessed immense fortunes, and as it is impossible that wealth should not give power, the nobles resisted with more force than the patricians had done; and this was the cause of the death of the Gracchi, and of many others who acted upon their principles.¹²

plebeians—having obtained the right to be elected to the consulate—could also be chosen as dictators; and this disconcerted the patricians. See in Livy, Book VIII, how Publius Philo humbled them during his dictatorship. He made three laws which were very prejudicial to them.

¹¹ The patricians only retained some sacerdotal offices, and the right of creating the magistrate, who was called *Interrex*.

¹² As Saturninus and Glaucias.

It is necessary that I should here say something of a magistracy which contributed much to maintain the government of Rome. It was that of the censors. These magistrates were charged with the duty of taking the census of the people; and, in addition to this, inasmuch as the strength of the republic consisted in discipline, in austerity of manners, and in the constant observance of certain customs, they corrected such abuses as the law had not foreseen, or those which the ordinary magistrate could not punish.¹³ There are bad examples which are worse than crimes; and more states have perished by reason of a departure from wholesome manners than from a violation of the laws. At Rome, domestic and public disorders—everything that threatened to introduce dangerous novelties, or to change the heart or the spirit of the citizen—and, if I may so say, whatever tended to prevent the perpetuation of relapses from the ancient manners—belonged to the jurisdiction of the censors. They could drive from the senate whom they would; they could take from an equestrian the horse which was kept for him at the public expense; they could place a citizen in another tribe, and even among those who paid the expenses of the city without having any share in its privileges.¹⁴

¹³ We may observe how the censors degraded those who, after the battle of Cannæ, advised the abandonment of Italy—those who surrendered to Hannibal—and those who, by a disingenuous interpretation, had broken the parol which they had given him.

¹⁴ This was called *ærarium aliquem facere aut in cærtium tabulas*

M. Livy even took notice of the masses of the people themselves; and, out of thirty-five tribes, he placed thirty-four in the rank of those who had no share in the privileges of the city.¹⁵ "For," said he, "after having condemned me, you have made me consul and censor: it must be, therefore, that you have once betrayed your trust, by inflicting a punishment upon me, or that you have twice betrayed it, in first creating me consul and then censor." M. Duronius, a tribune of the people, was driven from the senate by the censors, for the reason that during his magistracy he had abrogated the law which limited the expenses of banquets.¹⁶

The censorship was a very wise institution. These officers could not, however, deprive any one of a magistracy, for that would have interrupted the exercise of the public power;¹⁷ but they struck down order and rank, and deprived the citizen, so to speak, of his personal nobility.

Servius Tullius had made that famous division by Centuries, which Livy¹⁸ and Dionysius of Halicarnassus¹⁹ have so well explained. He had distributed one hundred and ninety-three centuries into six classes, and placed all the common people in the last century, which alone formed the sixth class. We see that this

referre. The citizen was removed from his century, and had no longer the right of suffrage.

¹⁵ Livy, Book XXIX, ch. 37.

¹⁶ Valerius Maximus, Book II, ch. 9.

¹⁷ The dignity of Senator was not a magistracy.

¹⁸ Book I, ch. 43.

¹⁹ Book IV, art. 15 *et seq.*

arrangement excluded the masses of the people from the suffrage—not in point of law, but as a matter of fact.²⁰

In the course of time it was provided that, except in some particular cases, the exercise of the right of suffrage should follow the division by Tribes. There were thirty-five tribes, four in the city and thirty-one in the country, each of which, voting as a tribe, cast one vote. The principal citizens, who were all laborers, entered naturally into the country tribes, whilst those of the city received the meaner sort of the people,²¹ who, being confined to the town, exercised very little influence upon affairs. This arrangement was regarded as the salvation of the republic; and, when Fabius replaced in the four tribes of the city those inferior people whom Appius Claudius had distributed through all, he thereby acquired the surname of *Maximus*.²²

Every five years the censors examined into the actual condition of the republic, and so distributed the people in their different tribes that the tribunes and ambitious aspirants could not render themselves masters of the ballot, and that the people themselves could not make an abusive use of their own power.²³

²⁰ See my *Note* at the end of this chapter.—TRANSLATOR.

²¹ Called *turba forensis*.

²² See Livy, Book IX, ch. 46.

²³ [The functions of the censors were not limited to this examination and moral distribution of the individuals who composed the republic. They also took the census of the people; and, "by this means," says

The government of Rome was admirable in this—that from its origin its constitution was such—whether from the spirit of the people, the influence of the senate, or the authority of certain magistrates—that all abuses could be corrected.

Carthage perished, for the reason that, when it became necessary to retrench abuses, she could not even tolerate the hand of her own Hannibal. Athens fell, for the reason that her errors appeared to her so sweet that she did not desire to remedy them. And, among us, the republics of Italy, which boast of the perpetuity of their governments, should only boast of the perpetuity of their abuses; and, accord-

Bossuet, "Rome knew what number of citizens she had who were capable of bearing arms, and what she could rely upon from the youth who were coming of age every day. Thus, she so managed her forces against an enemy who came from the shores of Africa that time alone should destroy him, placed as he was in a foreign country, in which succors were so slow to arrive, and where even his victories, which cost him so much blood, were fatal to him. Therefore it was, that whatever disasters might happen, the senate, always advised of the number of good soldiers yet remaining, had only to temporize, and never suffered itself to be cast down. When, by the defeat at Cannæ, and by the revolts which followed, it saw the forces of the Republic so far diminished that it could hardly have defended itself if the enemy had pushed immediately on, it yet sustained itself by its courage, and, without being disturbed by the public calamities, it addressed its attention to the means of victory. As soon as it was seen that Hannibal, instead of pressing his advantage, only thought for a time of enjoying it, the senate became reassured, and clearly saw that an enemy who could neglect to pursue his fortune, and who was capable of being dazzled by his great successes, was never born to conquer the Romans. From that moment Rome continually achieved greater enterprises; and Hannibal, supremely able and courageous, and completely victorious as he was, could not maintain himself against her." *Disc. sur l'Hist. univ.*, troisième partie, ch. vi.]

ingly, they enjoy no more liberty than was found at Rome during the time of the Decemvirs.²⁴

The government of England is wiser; for it contains a body which continually inspects it, and which as continually inspects itself.²⁵ The errors of this government are such that they are never of long duration, and—in consequence of that spirit of vigilance which they awaken in the mind of the nation—they are often useful.

In a word, a free government—that is to say, one which is constantly agitated—can never maintain itself if it is not, by its own laws, capable of correction.

²⁴ Nor have they even more power.

²⁵ The parliament—especially the House of Commons.—TRANSLATOR.

NOTE BY THE TRANSLATOR.

IN the preceding chapter Montesquieu presents, among other things, a very general idea of the relations and comparative political rights of the different classes of Roman citizens. This idea will become at the same time more distinct and more comprehensive if, on the one hand, we look a little closer than he has done into the distribution which was made by classes, centuries, and tribes, and, on the other, take a somewhat more extensive and definite view than he has presented of the Roman constitution in its relation to liberty.

1. As to the division by classes and centuries—commonly referred to Servius Tullius—we are at once admitted to the spirit of the Roman people by the circumstance that this was simply *a division of the army*, foot and horse. Accordingly, when called upon to meet in their quality of classes and centuries, the people were summoned, like an army, by the martial blast of the horn; they assembled in the Campus Martius, a field lying outside the city walls, and dedicated to the god of war; and, in their

aggregate capacity, they were called "Exercitus Urbanus," or "the Army of the City."

According to the account of Livy, there were five classes of infantry, and a sixth which was composed of citizens who were excluded from the military service. This classification was based upon property. An estate of not less than one hundred thousand Roman asses—a sum equal in value to \$970—admitted the owner to a place in the first class; seventy-five thousand asses was the qualification for the second class; fifty thousand for the third; twenty-five thousand for the fourth; eleven thousand for the fifth; and all whose estates were of less value than this last sum were placed in the sixth class. Of these classes, the first was divided into eighty centuries; the second, third, and fourth, into twenty each; the fifth into thirty; and the whole of the sixth made one century only. Five additional centuries were incorporated into the infantry service, apparently without respect to property qualification, but with regard to their special art—two of mechanics and three of trumpeters and horn-blowers—the former being attached to the centuries of the first class, the latter to those of the fifth. Thus, of the footmen—including the non-military century, which embraced the whole of the sixth class—there were one hundred and seventy-six centuries.

The knights, or horsemen, constituted a body to themselves, and were composed of two social elements

blended together—the patricians and the richest of the commons. They were divided into eighteen centuries—thus making the entire number of centuries one hundred and ninety-four.

When a vote was to be taken, the centuries of horsemen—as being of the highest rank and dignity—took the lead, and cast their eighteen votes. Next came the centuries composing the first or wealthiest class of footmen, with their eighty votes; then the centuries of the second class of footmen, and so on down the scale. But, if the horsemen and the first class of footmen agreed, as they very generally did, the voting was carried no further—since the sum of the votes of these two bodies constituted a clear majority of the whole; and in practice the canvass was rarely carried as far as the last or lowest class.

It is obvious that this distribution of power constituted an aristocracy of rank and wealth, and that the political rights of a great majority of the citizens were rather theoretical than real.

The custom of voting by tribes, which afterward became common, was considerably more democratic; but even here the habit of placing greatly unequal numbers of voters in different tribes of equal electoral weight removed the constitution of Rome—even in respect to her citizens only, and in total disregard of her slaves and provincial subjects—very far from the standard of a pure democracy.

2. In taking, however, a still more general view of the Roman constitution in its relation to liberty, it is necessary that we should regard, not alone those who bore the character of citizens, but also the two other great classes of people just alluded to—the provincials and the slaves; and, in thus extending our view, it is not too much to say that, during the whole course of the republic, the masses of mankind who were governed, controlled, or disposed of by Roman laws or Roman mandates, possessed very little political power indeed in proportion to their numbers. And, to speak in terms of complete generality, we may add that the domination of Rome in this respect was but one instance upon a grand scale of what, within more circumscribed limits, was equally true of all the republics of antiquity. The government of Carthage, for example, was an aristocracy of wealth, mainly controlled by a few great families. The men who voted at Athens were but a handful compared with the number of those whom they governed or owned. The republic of Argos, which, from the nature of its organization, and from its reputed seniority in the family of Greek states, may be taken as a typical form to which all the rest of the group approximated, contained a population which was made up of three classes—citizens of the town, inhabitants of the country, and slaves; and such political power as belonged to the people appears to have been in the hands of the first class only.

Such communities—whether Roman or Grecian—although bearing the name of republics, were much less republican, in fact, than are the monarchies of our present Europe; and, when their institutions are placed in comparison with those of the United States, it is seen that they can only be regarded as rudimentary forms of free government.

It is true that the Roman republic became progressively more liberal in its internal polity from the time of the expulsion of the kings to the time of its subversion. The ever-renewed contest between the popular and the patrician parties went, in the main, somewhat in favor of the former; and, as the conquests of Rome extended, she gradually admitted the neighboring peoples of Italy to the privileges of citizenship. But, at the close of the republic, we would probably not be far out of the way in supposing that the provincials, without any power in the enactment of Roman laws, were twice as numerous as the citizens, and that the slaves were equally as numerous as both; in other words, that at the period of the greatest liberality in her constitution not more than one sixth of all the subjects of republican Rome had so much as a theoretical right to participate in the governing power. Of course there are no direct and precise statistics upon which to base such a supposition; but, in view of the census which was taken by the Emperor Claudius, within less than a century after the fall of the republic, Gibbon concludes that the above proportions

will probably express the relative magnitudes of the three classes of persons in question at the time of that emperor; and there is reason to believe that the proportions of these classes did not greatly differ during the last age of the republic and the first of the empire.

The fact is, that republican government, in anything like the sense in which it is realized in our own country, was an impossibility in ancient times. Such government is so much an affair of superior social ability on the part of the people, and the masses of mankind in all the ancient states were so ignorant and incompetent to self-rule, that it resulted, as a necessary consequence, that the best form of republic which they were anywhere capable of was correspondingly low.¹

¹ Livy, Book I, ch. 43; Arnold's *Hist. of Rome*, ch. v; Aristotle's *Politics*, Book II, ch. xi; Anthon's *Clas. Dic.*, Table X.—V. *Roman Moneys*, articles *Carthago*, *Athencæ*, *Argos*, and authorities there cited; and Gibbon's *Rome*, ch. ii.

CHAPTER IX.

TWO CAUSES OF THE RUIN OF ROME.

WHILST the domination of Rome was limited to Italy, the republic could easily maintain itself. Every soldier was equally a citizen; each of the consuls levied an army; and the remaining citizens went to war in their turn under him who succeeded. The number of troops not being excessive, care was taken to receive only such men into the military service as possessed a sufficiency of property to cause them to feel an interest in the preservation of the city.¹ The senate, having a near view of the conduct of the generals, was thus enabled to restrain them from all thought of doing anything contrary to their duty.

¹ The freedmen, and those who were called *capite censi*—inasmuch as they possessed very little property, and paid only a capitation tax—were not at first enrolled in the infantry service, except on urgent occasions. Servius Tullius had placed them in the sixth class, and soldiers were taken from the first five only. But Marius, preparing for the war against Jugurtha, enrolled all sorts of men indifferently. *Milites scribere*, says Sallust, *non more majorum, neque classibus, sed uti cujusque libido erat, capite censos plerosque.* (*De Bello Jugurth.*) It should be observed that, in the division by tribes, those who were in the four tribes of the city were nearly the same as those who, in the division by centuries, were included in the sixth class.

But, when the arms of the republic were carried beyond the Alps and the sea, the soldiers, who had to be left during many campaigns in the countries which were subdued, gradually lost the spirit of Roman citizens; and the generals—who disposed of armies and kingdoms—feeling their power, would no longer obey.

It was then that the legionaries began to recognize their general only—to found all their hopes upon him—and to see the city at a greater distance. They ceased to be soldiers of the republic, and came to be soldiers of Marius, of Sylla, of Pompey, and of Cæsar. Rome could no longer know whether he who was at the head of an army in a province was her general or her enemy.

So long as the Roman people were corrupted by their tribunes only—upon whom they could confer no power which was not limited to the city—the senate could effectually defend itself; for this body acted with constant steadiness of purpose, whilst the populace passed incessantly from the extreme of fury to the extreme of weakness. But, when the people became able to give to their favorites a formidable power abroad, all the wisdom of the senate was rendered futile, and the republic was lost.

The reason why free states are less durable than others is, that the calamities and the successes which fall to their lot nearly always cause them to lose their liberty; whilst, on the other hand, the successes

and the calamities of despotic states equally confirm the servitude of their subjects. A wise republic should hazard nothing which exposes it either to good or to bad fortune. The sole good which it ought to aspire to is its own perpetuity.

If the grandeur of empire ruined the Roman republic, the grandeur of the city ruined it none the less.

Rome had subdued all nations with the assistance of the peoples of Italy, to whom, at different times, she had extended divers privileges.² Most of these peoples did not at first set any great store upon the right of Roman citizenship, and some of them preferred to retain their own usages.³ But, when this right became that of universal sovereignty—when a man was nothing in the world if he was not a Roman citizen, and everything if he bore that title—the peoples of Italy resolved to perish or become Romans. Not being able to attain their end by canvassing and by supplication, they resorted to arms. They revolted in all that part of Italy which looks towards the Ionian sea; and other Roman allies proceeded to follow the example.⁴ Obligated thus

² *Jus Latii, jus italicum.*

³ The Equians said in their assemblies: "Those who have been able to choose for themselves have preferred their own laws to the rights of the city of Rome, which last have been a necessary hardship for those who have been unable to defend themselves." Livy, Book XI, ch. 45. (a)

(a) I presume that Book IX instead of XI is here meant.—TRANSLATOR.

⁴ The Asculans, the Marsians, the Vestinians, the Marrucinians, the Ferentinians, the Hirpinians, the Pompeianians, the Venusians, the Iapy-

to contend against those who were, so to speak, the very hands by means of which she had enchained the universe, Rome was lost. She was about to be reduced to her walls. She conceded the right—so much coveted—first to such allies as had not yet ceased to be faithful;⁵ and little by little she extended it to all.

After this, Rome was no more a city whose people possessed the same spirit, the same love of liberty, and the same hatred of tyranny; in which jealousy of the power of the senate and the prerogatives of the great—mixed always with respect—was in reality nothing other than a love of equality. The peoples of Italy having become her citizens, each city imported into the great capital its own genius, its own particular interests, and its own dependence upon some great protector.⁶ The distracted city ceased to be an entire whole; and since its citizens were only such by a species of fiction, since they had no longer the same magistrates, the same walls, the same gods, the same temples, and the same sepulchres for their dead, they no longer looked upon Rome with the same eyes, nor

ges, the Lucanians, the Samnites, and others. (APPIAN, *The Civil War*, Book I, ch. 39.)

⁵ The Tuscans, the Umbrians, the Latins. This led some of the revolted peoples to submit—and, as they also were made citizens, still others laid down their arms. Finally, the Samnites only remained, and they were exterminated.

⁶ Let one imagine to himself this monstrous head of the Italian nations which, by means of the suffrage of all, directed the rest of the world.

felt the same love of country. The Roman sentiment was gone forever.⁷

Ambitious men caused the populations of entire cities and nations to congregate at Rome for the purpose of corrupting the suffrage, or of obtaining their votes for themselves. The assemblies were veritable conspiracies. A troop of seditious persons was called by the name of *comices*. The authority of the people, their laws, themselves even, became chimerical things; and the anarchy was such that it could no longer be known whether the people had or had not adopted an ordinance.⁸

Historians constantly speak of the divisions which ruined Rome, not reflecting that these divisions were necessary, that they had always existed in the city, and that they ought always to have existed therein. It was solely the magnitude of the republic which produced the evil, by changing popular tumults into civil wars. It was inevitable that divisions should exist among the Romans, and it was not to be expected that those warriors who were so fierce, so audacious, and so terrible abroad, would be very moderate at home. To ask, in a free state, for men who are bold in war and timid in peace, is to desire impossible things; and, as a general rule, wherever we find all the people quiet in a state which has given to itself the name of republic, we may be assured that there is no liberty.

⁷ See my *Note* at the end of this chapter.—TRANSLATOR.

⁸ See the *Letters of Cicero to Atticus*, Book IV, Letter xviii.

That which is called union in a body politic is a very equivocal thing. A true union is one of harmony, by which all the social elements of the state, however opposed to each other they may appear to be, concur in promoting the general good of society, just as the discords in music concur in producing the total accord. There may be union in a state—that is to say, a harmony from which results the welfare of the people, and which is the only true peace—where all appears to be a scene of confusion. Such a union of the different elements in a body politic may be compared to the union which pervades the universe, all the parts of which are eternally held together by the action of some and the reaction of others.

But amid the accord of Asiatic despotisms, as indeed of all governments which are not moderate, there is always a real separation of the social elements. The laborer, the warrior, the merchant, the magistrate, the noble, are not joined together, only in so far as some oppress the others without resistance. If there is union in such a state, it is not citizens who are united, but dead bodies buried close to each other.

It is true that the laws of Rome became powerless for the government of the republic, but it has always been seen that good laws, which have caused a small republic to become powerful, are afterwards a burden to the state which they have fostered into greatness; and this for the reason that these laws are such that

their natural effect is to produce a great people, but not to govern them.

There is much difference between good laws and suitable ones—between those which are calculated to enable a nation to render itself master of others, and those which are adapted to maintain its power when once acquired.⁹

There is at the present time a republic which is very little known¹⁰, and which, in secrecy and silence, constantly grows stronger. Should it ever attain that measure of greatness which its wisdom proposes, it is certain that it will change its laws; and this change will not be the work of the legislator, but of corruption itself.

Rome was adapted to self-aggrandizement; and, for the attainment of that end, her laws were admirable. Thus, under whatever constitution the state had assumed—under the kings—under the aristocracy—under the popular form of government—she never ceased to prosecute difficult enterprises, and to prosecute them to a successful issue. She was not wiser than all the other states of the earth for a day only, but continually. She sustained a small, a mediocre,

⁹ We see by the manner in which Montesquieu states the distinction here taken—between the laws which are proper to the acquisition of empire by conquest and those which are fitted to govern it afterwards—assigning to the one class the quality of “good,” to the other the quality of “suitable”—that his genius was not wholly emancipated from the spirit of antiquity—a fact which shows itself several times in the course of this work.—TRANSLATOR.

¹⁰ The Canton of Bern.

and a great fortune, with the same superiority. She experienced no success of which she did not profit; she suffered no disaster which she did not turn to her service.

She lost her liberty for the reason that she accomplished her work too soon.¹¹

¹¹ [We might add many particular incidents to the causes of the ruin of Rome. The rigorous exactions of the creditor upon the debtor class caused great and frequent revolts. The prodigious number of gladiators and slaves with whom Rome and Italy were surcharged led to frightful outbreaks, and even to bloody wars. Exhausted by so many foreign and civil wars, Rome created such great numbers of new citizens—either from reason or from the influence of faction—that, amidst the multitude of strangers whom she had naturalized, she could hardly recognize herself. The senate was filled with barbarians; the Roman blood became intermixed; the love of country by which Rome had elevated herself above all the nations of the earth was not natural to those citizens who came from abroad, and the rest of her citizens were corrupted by intermixing. Divisions increased with this prodigious increase of new citizens, and turbulent spirits found therein a new means for the promotion of disorder and for the prosecution of their enterprises.

Meantime, as a result of the luxury, the debauchery, and the idleness which were introduced, the number of the poor increased without limit. Those who found themselves ruined had no resource but sedition, and, in any case, they cared but little if all perished with them. Ambitious leaders and the rabble, who have nothing to lose, always love change. These two sorts of citizens prevailed in Rome; and the middle class, which alone holds all steady in popular states, being the weakest, it was inevitable that the republic should fall. BOSSUET, *Disc. sur l'Hist. univ.*, troisième partie, ch. vii.]

NOTE BY THE TRANSLATOR.

To that absorption of the old Roman stock which is suggested by Montesquieu, and more definitely referred to by Bossuet, must be assigned a prominent place among the causes of the disappearance of the old Roman spirit. De Gobineau, in his "Essay on the Inequality of the Human Races," attempts to generalize this cause, and to show that it is the leading principle presiding over the decline of nations. "Every human agglomeration," he says, "although protected by the most ingenious complication of social ties, contracts, at the very time of its formation, and conceals among the elements of its life, the principle of inevitable death. . . . Yes, it is really in the very bosom of a social body that is found the cause of its dissolution. But what is that cause? *Degeneracy*, it has been answered; nations die when they are composed of elements which are *degenerate*. The answer is good, etymologically and in every manner. It only remains to define what must be understood by these words—*degenerate nation*. It is there that we make shipwreck. . . . I think, then,

that the word *degenerate*, when applied to a people, ought to signify, and does signify, that the people in question no longer have the intrinsic value which they formerly possessed, for the reason that they no longer have in their veins the same blood—of which successive mixtures have gradually modified the value; in other words, that, while retaining the same name, the nation has not preserved the race of its founders; in short, that the man of decadence—he whom we call the *degenerate* man—is a different product, in an ethnical point of view, from the heroes of the great epochs. I am very willing to allow that he possesses something of their essence; but the more he degenerates, the more this something attenuates. The heterogeneous elements which henceforth predominate in him compose a nationality which is wholly new, and very unfortunate in its originality. He is not related to those whom he still calls his fathers, except by a line very collateral. He will die out definitively, and his civilization with him, whenever the primordial ethnical element comes to be so subdivided and drowned by the influx of foreign races that the power of this element is no longer adequate to the exercise of a sufficient influence.”¹

The conception of De Gobineau must not, however, be carried too far, nor be made—as he seems

¹ *Essai sur L'Inégalité des Races Humaines*, Paris, 1853, tom. i, pp. 3, 38–40. See also *Indigenous Races of the Earth*, Phila., 1868, p. 214.

to do—exclusive. It is by no means universally true that “the man of decadence” differs ethnically from “the heroes of the great epochs.” He has often been their lineal descendant, corrupted by the fortune entailed upon him, or by other depressing causes. Such in a great measure was the case with the Romans when they reached their period of decline. The considerable remnant of “the primordial ethnical element” had become thoroughly corrupt—a natural result of low culture combined with great fortune and great power acquired by conquest. Whilst it is true, therefore, that the republic was abandoned to a great influx of strangers who lacked the Roman consciousness and feeling, and by admixture with whom the original stock was largely absorbed, it is none the less true that what remained of this stock had, to a very great extent, lost the Roman virtue—from causes having little or nothing to do with foreign admixture.

The question of the causes of Roman decline—that is, of the causes which led to the transition of the Roman state from the first of its two great life-phases to the second—naturally connects itself with an historical determination of much rational value. In a work upon “the *Grandeur* and *Decadence* of the Romans,” complete accuracy of thought demands that a definite idea of the *historical range* of the one and the other of these terms should be presented; or, at least, that some certain criterion should be

pointed out by means of which such an idea can be closely approximated.

At what time, then, did the grandeur of the Romans reach its acme, and their decadence begin? Some reasonably approximate answer to this question is indispensable to a truly rational conception of Roman history as a whole.

That quality of character which consists in uprightness and fidelity on the part of the citizen in all his relations to the state of which he is a member is more comprehensive than patriotism, and may be fitly called *civic virtue*. This, therefore, appears to be the standard of comparison which we want.

If, then, we adopt the decay of civic virtue as the true criterion which marks the transition from grandeur to decadence among the Romans, and if, guided by this test, we should indicate the rise and decline of the Roman state by a curve, I conceive that it should be so drawn as to represent *ascent* during a period of about 650 years from the foundation of the city, and after that a continual *descent* for about 573 years—at the end of which time the Western Empire was extinguished.

According to this view, the climax of the period of grandeur is reached about sixty years before Cæsar overthrew the republic—whilst the final catastrophe of the period of decadence comes at the close of the reign of Augustulus, A. D. 476 or 479. The last sixty years of the republic are not thus pre-

fixed to the empire arbitrarily; they are connected as primary and secondary stages of decadence. Within these sixty years fall the Social War, the Civil Wars of Marius and Sylla, and the wholesale Proscriptions of the latter. When these great disorderly phenomena are studied in connection with the previous internal contests which had constantly agitated the republic, they are seen to be of a totally different kind, and clearly to indicate the decline of civic virtue. For more than four centuries following the expulsion of the Tarquins, there had been an incessant struggle between the aristocratic and the democratic parties; but this struggle had generally been held within some tolerable limits of moderation; and even the seditions which took place in the time of the Gracchi—during the generation immediately preceding the internal wars alluded to—although giving an unmistakable note of warning that a great change was impending in the state, were in themselves comparatively small affairs. That change was realized in the convulsions which soon followed under Marius and Sylla. The old aristocratic and democratic *parties*, which, as just said, had agitated the state as far back as the time of the kings, but which, by their mutual forbearance, had hitherto been compatible with the existence of an imperfect republic, having now degenerated into mere *factions*, seeking each other's destruction by the sword, were become wholly incompatible with a republican constitution for the

state. From the standpoint of these civil wars it is easy to foresee the approaching revolution in the government. The average citizen of both the old parties having changed the character of a partisan for that of a factionist, *the descent of the republic into Caesarism and the Empire was but the adjustment of a lower form of government to the already lowered civic character of the Roman people.*

Here, then, a few decades before the end of the republic, we detect the turning-point from grandeur to decay. Nor is this view really invalidated by the facts—that the Roman literature continued to develop until the age of Augustus—that the Roman law may have gone on developing until the time of Alexander Severus—that the territorial area of the empire did not reach its maximum until the time of Trajan—and that the effective power of the Roman arms did not for a long time after the fall of the republic experience any sensible decline. These are facts; but it must be observed that all the elements of a decaying social system do not begin to decline, or even cease to develop, simultaneously. In the case of the Romans—and I presume they are but an instance of a general law in like circumstances—the civic character of the people became degenerate—that is, *the average citizen became corrupt in his relations to the state* a considerable time before decline set in, and even before progress was arrested, in several important particulars. But, inasmuch as this

civic declension, although accompanied for a time by certain kinds of progress, was fundamental to the state, and tended constantly and with accumulating efficiency to bring down the whole system, the era of its open commencement should be selected as the great critical period in the Roman national life.

This conception becomes all the clearer in its reason when we recur to the causes which conducted the Romans to that turning-point in their destiny which I have indicated. These causes were mainly two—the great and sudden increase of wealth and power which attended the rapid Eastern expansion of the republic after the second Punic war, and the vast number of new citizens who, without possessing the Roman feeling or the Roman traditions, had been incorporated into the governing body. Here we have the immediate sources of that civic demoralization which first exploded in the wars of Marius and Sylla, and soon afterwards reached a fatal issue for the republic in those of Cæsar and Pompey.

In connection with that ascending and descending movement of Roman history viewed as a single phenomenon, the two great sections of which I have here undertaken to measure with some precision, there are three parallels which appear to be noteworthy.

First, at an early period in their rising career, the Romans threw off a lower and took on a higher form of government—they passed from the govern-

ment of the kings to the republic; at an early period in their declension they threw off a higher and took on a lower—they passed from the republic to the empire.

Secondly, when their power commenced to grow, for a long time it grew very slowly; when it commenced to decline, for a long time it declined very slowly.

Thirdly, to the period of long, slow growth, succeeded a shorter period of rapid expansion to the zenith of their grandeur; to the period of long, slow decline, succeeded a shorter period of rapid declension to the end of the empire.

These parallels are by no means accidental. The causal relation which exists between the character of a people and the character of their government determined the first; the very obstinate resistance which the Romans for a long time met with, and the enormous stored-up force of their political system when it reached its height and began to decline, explains the second; whilst the tendency of great acquired power—which is yet active and aggressive—to make large and prompt additions to itself, and the equal tendency of accumulating weakness to find at length a point from which it passes speedily to its end, sufficiently accounts for the third.

If the principal conception embodied in this note is correct, Gibbon has omitted a very considerable part of the “Decline” of the Roman Empire. He

commences his great history with a magnificent survey of the Roman world under the Antonines; and he reckons the decline of the empire to begin with their immediate successor, Commodus—the *eighteenth* emperor, counting from Cæsar as the first. I think De Quincey has successfully criticised this view of Gibbon—maintaining as his own opinion that “the empire itself, from the very era of its establishment, was one long decline of the Roman power.”²

In thus carrying the idea of decline back to the very inception of the empire, it appears to me that De Quincey is so far correct; but, for the reasons stated above, it would seem that a still completer idea of the phenomenon of Roman decadence is attained by dating it back to that great change in the civic character of the citizen which preceded the fall of the republic. This last appears really to have been the view of Montesquieu—although it is not expressed in the text with that degree of distinctness which so capital a conception seemed to demand.

² The *Cæsars*, Boston, 1854, pp. 146, 178.

CHAPTER X.

CORRUPTION OF THE ROMANS.

I BELIEVE that the doctrines of Epicurus—which were introduced into Rome towards the close of the republic—did much towards corrupting the mind and the heart of the Romans.¹ The Greeks had been infatuated with these doctrines at an earlier period, and they had also become sooner corrupted. Polybius says that in his time oaths had no power to inspire confidence in a Greek, whilst the Roman was, so to speak, enthralled by the oath which he had taken.²

A fact is stated in the letters of Cicero to Atticus,³ which shows how much the Romans had

¹ Cyneas having discoursed upon these doctrines at the table of Pyrrhus, Fabricius expressed the wish that all the enemies of Rome might adopt the principles of such a philosophy. (Plutarch, *Life of Pyrrhus*.)

² “If you lend a talent to a Greek—with ten promises, ten sureties, and as many witnesses—it is impossible that he should keep his faith; but among the Romans, whether they have to account for public or private moneys, they are faithful—because of the oath which they have taken. The fear of hell, therefore, has been wisely established, and it is without reason that men combat it at the present time.” (POLYBIUS, Book VI.)

³ Book IV, Letter xviii.

changed in this respect since the time of Polybius. "Memmius," he says, "came to inform the senate of the agreement which his competitor and himself had entered into with the consuls—by which the latter had engaged to favor them in their canvass for the consulate the year following, whilst they, on their part, had obligated themselves to pay to the consuls four hundred thousand sesterces if they should fail to furnish them three augurs who would declare that they were present when the people had adopted the law *curiate*⁴—although no such law had been made—and also two ex-consuls who would affirm that they had assisted at the signing of the *senatus-consultum* which had regulated the state of their provinces—although nothing of the kind had ever been done." How many dishonest men in a single contract!

Aside from the fact that religion is always the best guarantee we can have of the morals of mankind, there was this in particular among the Romans: they mingled some religious sentiment with the love which they bore for their country. That city—founded under the best auspices; that Romulus—their king and their god; that capitol—eternal as the city—and the city as eternal as its founder—

⁴ The law *curiate* conferred the military power of the governor, and the *senatus-consultum* regulated the troops, the money, and the officers which he should have charge of. In order that all this might work to their fancy, the consuls in question desired to fabricate a false law and a false *senatus-consultum*.

had formerly exercised an influence upon the spirit of the Romans which it were to be desired that they had continued to feel.

The greatness of the State led to the greatness of private fortunes. But, as opulence consists in manners and not in riches, the wealth of the Romans, which admitted no bounds, produced an unlimited luxury and profusion in life.⁵ Those who were first corrupted by their wealth were afterwards corrupted by their poverty. With an estate above that of a private condition, it was difficult to be a good citizen; with the desires and the regrets which attend a great fortune ruined, men were ready for every outrage; and, as Sallust says,⁶ we see a generation of men who were neither able to possess patrimonies of their own, nor willing to allow others to retain theirs.

Meantime, however great the corruption of Rome may have been, she was not yet wholly corrupt; for such was the strength of her institutions that, in the midst of her wealth, her effeminacy, and voluptuousness, she still preserved a heroic valor, and retained all of her devotion to war. This has

⁵ The house which had cost Cornelia seventy-five thousand drachms cost Lucullus, a short time afterwards, two million five hundred thousand. (PLUTARCH, *Life of Marius.*) (a)

(a) Plutarch, in the place cited, reads for the last sum, 500,200. (Langhorne's trans.)—TRANSLATOR.

⁶ *Ut merito dicatur genitos esse, qui nec ipsi habere possent res familiares, nec alios pati.* (Fragment of *Sallust's History*, taken from the book of the *City of God*, Book II, ch. xviii.)

not, I believe, been true of any other nation of the world.⁷

Roman citizens regarded commerce⁸ and the arts as occupations for slaves,⁹ and did not engage in them. If there were exceptions, they were limited to some freedmen who continued in the pursuit of their former occupations, but in general the Roman citizen knew only the art of war, which was the sole road to offices and to honors;¹⁰ and thus it was that the war-like virtues survived after all the others were lost.

⁷ This is but an illustration of the familiar saying—equally applicable to nations and to individuals—that “the ruling passion is strong in death.” The speculative Greek of the Eastern Empire, absorbed with subtle theological disputations whilst his country was sinking to ruin, recalls the same national trait which had given immortality to the Academy and the Portico.—TRANSLATOR.

⁸ Romulus allowed only two sorts of occupations to freemen—agriculture and war. Merchants, artificers, tavern-keepers, and those who lived in rented houses, were not citizens. (*Dionys. Hal.*, Book II; *idem*, Book IX.)

⁹ Cicero gives the reasons for this in his *Offices*, Book III.

¹⁰ It was necessary to have served ten years, between the ages of sixteen and forty-seven. See Polybius, Book VI.

NOTE BY THE TRANSLATOR.

WHEN we reflect how fundamental is the relation of industry to civilization, and consider in what low estimation the industrial vocations were held by the governing classes in ancient times, we cannot fail to realize the immense social interspace which, in this respect, separates the societies of antiquity from the societies of the present day. What Montesquieu says at the close of the preceding chapter in relation to the industrial system of the Romans was substantially true of all the ancient nations. Everywhere the tone of opinion among the governing classes strongly associated industry with the notion of social degradation, and this for the obvious reason that all the industries of the time were mostly carried on by slaves. Men's idea of work is but a reflex of their idea of the worker. If the latter is a slave, the former is regarded as a servile employment; if a free and self-respecting man, the "dignity of labor" emerges into view.

As being the basis of the labor system of the Romans, and of the ancient states generally, it is

essential that we should form a rational idea of the nature and extent of slavery as it existed in these old societies.

Next to the dominant position occupied by war, slavery was the most prominent social fact of antiquity, and it is easy to see that the relatively large proportions of both these interests in the ancient world were due to the relatively low status of the ancient societies. War and slavery, in the absorbing dimensions which they assumed in these early and immature communities, were but the natural outgrowths of the existing social state, and the one was the primary basis and feeder of the other. The mental process by which the two were connected was short and simple. The fundamental idea of the law of war was that the victor might rightfully take the life of his captive. In saving him for enslavement, therefore, a milder was deemed to be substituted in place of a more rigorous measure of justice. Leaving aside all derivative and subsidiary sources of servitude, such was the tap-root of ancient slavery—the larger right, *to kill*, included the lesser one, *to enslave*.

This conception was not limited to the Romans; it appears to have been present among all the ancient peoples—especially during the earlier stages of their history.

Under the influence of this fundamental idea, aided by some cognate ideas which were variously associated with it in different countries—such as, that a man

might sell himself into slavery, that a father might sell his children, that certain offenders might be sold by the state, that insolvent debtors might be sold by their creditors, and that certain peoples might be enslaved by reason of their mental inferiority—the ancient states came to be surcharged with slaves. From the scattering statistics which have come down to us, taken in connection with numerous statements of the classical writers, it seems probable that the world contained quite as many slaves as free persons, and some particular states very many more. Athens, for instance, with a population of 21,000 citizens, is said to have contained 400,000 slaves; and the Helots were probably seven times as numerous as their Spartan masters. But that great power which absorbed so many nations will best represent the state of the world in general; and the Roman empire is reckoned to have contained 20,000,000 citizens, 40,000,000 provincials, and 60,000,000 slaves. Some single Romans are said to have possessed as many as 20,000.

During nearly seven hundred years of Roman history the master was an absolute despot—being clothed by the law of his country with a power of life and death over his slave which was unlimited save by his own will. It appears that no legal restraint whatever was imposed upon this power until the passage of the *lex Cornelia de sicariis*, under the dictatorship of Sylla, in the year 81 before Christ. Thence under Claudius, Nero, Adrian, Antoninus Pius, Severus, Con-

stantine, and Justinian, there was an increasing legal interference with the private power of the master; whilst, in another direction, the Christian church contributed its powerful aid in amelioration of the condition of the servile class, not only by infusing the spirit of the new charity into the lives of men, but also by excommunicating those who dared to execute their slaves without legal warrant.

How low was the state of conscience among the higher class of Romans in respect to their slaves may be inferred from a few representative facts. Tacitus, who is so terrible in his arraignment of tyrannical emperors for the cruelties which they inflicted upon patrician families, coolly approves an atrocious decree of the senate, in accordance with which, if a master of a household should be killed by any of his slaves, all the slaves of the same household who might happen to be made free by the master's will should equally suffer death. The præfect Pedanius Secundus having been murdered by one of his household slaves—of whom there were 400—the whole number were condemned to death in conformity with Roman law, the senate, upon full consideration of the frightful hardship of the case, deliberately refusing to relax the savage rigor of the rule. To the credit of the populace on this occasion, they assembled tumultuously in defense of the innocent slaves, and forbade the execution of the sentence; nor could it be carried out until the military were summoned to the scene; and then the mournful

group, of all ages and both sexes, were marched to their death between lines of soldiers.

Roman masters appear to have made a very free use of fetters. Many of their field slaves were made to work in chains. Italy abounded in underground workhouses, in which chained slaves toiled at the mill; and the participant of Roman hospitality, in the polite age of Augustus, was met at the threshold of his host by a chained slave in company with a chained dog. It appears not to have been an uncommon custom to carry old or sick slaves to an island in the Tiber, and there leave them to die of starvation.

Especially in view of the vast preponderance of slavery in the ancient societies, and the relatively low sense of humanity with which it was tempered, we can very safely accept the comprehensive conclusion of Hume: "But, to one who considers coolly on the subject, it will appear that human nature in general really enjoys more liberty at present in the most arbitrary government of Europe than it ever did during the most flourishing period of ancient times."

Resolving all history into four great periods, we detect a progressive change in the general condition of the working classes.

1. During the first period, which may be regarded as coextensive with ancient history, we have just seen that the industrial classes of the world were chiefly *slaves*. The dominant military spirit, combined with

that law of war which transmuted the prisoner into a slave, had everywhere developed an immense servile population—upon which the work of society was principally imposed. All the great material monuments of this period are closely associated with servile toil. The Roads of Rome, the Pyramids of Egypt, the Rock Temples of India, the Cyclopean Walls of Phœnicia, were mainly the work of slaves.

2. During the second period, which should be reckoned as coextensive with the Middle Ages, thus extending from the close of the fifth to the close of the fifteenth century, the *serf* had taken the place of the slave in the states of Europe.

3. During the third period, which should be made to reach from the close of the fifteenth to the close of the eighteenth century, the *free citizen with small political influence* had taken the place of the serf.

4. During the fourth period, which opens with the American and French Revolutions, and extends to the present time, the *free citizen with an increased measure of political influence* has taken the place of his immediate predecessor.

Of course the end is not yet. The proof is evident that this vast movement, of which nations have been but elements, and whole epochs but single steps, is still heading in the same direction, and that too with quickened pace.

In the light of this series of ascensive changes—thus displayed upon the broad field of the world's

history—we are not only enabled to determine the comparative values of the industrial systems of the past and the present, but also to pronounce with much confidence upon the fundamental meaning of that spirit of unrest and tendency to increased self-assertion which, in our own time, pervades the industrial classes of Europe and America. This last fact—which is one of supreme social moment—is so far from being abnormal that it is only to be viewed as proof that the great progressive movement which I have sketched—and which is eminently humanitarian and moral—is still going on.¹

¹ For the facts stated in the preceding Note respecting ancient slavery, see Hume's *Philosophical Works*, Boston, 1854, vol. iii, pp. 415–425; *Institut. Just.*, lib. i, tit. iii, 3, and lib. i, tit. vii, 2; Cooper's *Justinian*, pp. 410–412; Adam's *Rom. Ant.*, Phila., 1872, pp. 23–29, 134–135, 369 and 379; Gibbon's *Rome*, ch. ii; Tac. *Annals*, Book XIII, ch. 32, Book XIV, chs. 42–45; Maine's *Ancient Law*, N. Y., 1864, p. 157; Anthon's *Clas. Dic.*, art *Helotæ*; Chambers' *Enc.*, art. *Slavery*; and for the law of slavery among the Jews, see Exodus, ch. xxi, 2–11, ch. xxii, 2–3; Leviticus, ch. xxv, 39–54, and II Kings, ch. iv, 1; and for some profound views concerning the *rationale* of ancient slavery, see Comte's *Philosophie Positive*, Paris, 1869, tom. v, pp. 134–139, 148–149, and tom. vi, pp. 67–68.

CHAPTER XI.

SYLLA.—POMPEY AND CÆSAR.

I PRAY that I may be permitted to turn away my eyes from the horrors of the wars of Marius and Sylla. Their frightful history may be found in Appian. In addition to the jealousy, the ambition, and the cruelty of the two chiefs, every Roman was furious. The new citizens and the old no longer regarded themselves as members of the same republic;¹ and they carried on a war against each other which, from its particular character, was at the same time civil and foreign.

Sylla enacted three laws which were very well calculated to remove the cause of the disorders which we have seen. These laws increased the authority of the senate, tempered the power of the people, and regulated that of the tribunes. And the fancy

¹ As Marius—with a view to obtaining command in the war against Mithridates to the prejudice of Sylla—had, with the assistance of the tribune Sulpitius, distributed eight new tribes of Italian peoples among the ancient ones—a measure which rendered the Italians masters of the ballot—it resulted that the latter were mostly of the party of Marius, whilst the old citizens were of the party of Sylla.

which prompted him to abdicate the dictatorship seemed to restore the life of the republic. But, amid the frenzy which had attended his successes, he had done things which rendered it impossible for Rome to retain her liberty.

In his Asiatic expedition he had ruined all military discipline. He had accustomed his army to rapine,² thus giving it wants which it had never before felt; and, having once corrupted the soldiers, it was inevitable that they in their turn should afterwards corrupt their officers.

He had entered into Rome sword in hand, and had thus taught Roman generals to violate that asylum of liberty.³

He had given the lands of citizens to soldiers,⁴ and thus rendered them covetous for the future;⁵ for from that moment there was no longer a soldier who did not look for an occasion which might place in his own hands the property of his fellow citizens.

He had invented the Proscription, and set a price

² See in the *Conjuratiōe de Catilina* the portrait which Sallust gives of this army.

³ *Fugatis Marii copiis, primus urbem Romam cum armis ingressus est.* (Fragment from John of Antioch, in the *Extract of Virtues and Vices.*)

⁴ A part of the lands of conquered enemies had, indeed, at the beginning been distributed; but Sylla gave the lands of citizens.

⁵ [Confiscations, even while enriching accomplices, only convert them into malcontents and ingrates. From the moment they begin to possess something, they begin to regard the troubles and disorders of the state as insupportable; and all authority which is not placed entirely in their own hands they regard as usurped by others. (The *Advocate General* Servan.)]

upon the heads of those who were not of his own party.⁶ From the time of the introduction of this practice, it was impossible for the citizen to attach himself longer to the cause of the republic; for, placed between two ambitious leaders who contended for ascendancy, those who were neutral, and who adhered to the party of liberty, were sure to be proscribed by the one of the two who might be conqueror. It was therefore the part of prudence to join the one or the other.

There came after him, says Cicero,⁷ a man who, in an impious cause, and in the achievement of a victory yet more shameful, confiscated not only the wealth of private individuals, but involved whole provinces in the same calamity.⁸

In laying down the dictatorship, Sylla appeared to be only desirous of living under the protection of his own laws. But that act, which indicated so much moderation, was itself a sequence of his violences. He had established forty-seven legions in di-

⁶ See my *Note* at the end of this chapter.—TRANSLATOR.

⁷ *Offices*, Book II, ch. viii.

⁸ The statement here attributed to Cicero is more severe upon Cæsar, and less discriminatingly just, than the words of the former import. The following is the actual passage of Cicero: *Secutus est, qui in causa impia, victoria etiam fœdiore, non singulorum civium bona publicaret, sed universas provincias regionesque uno calamitatis jure comprehenderit.* "He was followed by one who, in an impious cause, and in a victory yet more abominable, did not confiscate the property of individual citizens, but involved whole provinces and regions in one common calamity." The clause which I have italicized indicates the correction which is needed in the text of Montesquieu.—TRANSLATOR.

vers places in Italy. These soldiers, says Appian, regarding their fortune as contingent upon his life, watched over his safety, and were constantly ready to succor or to avenge him.⁹

It being inevitable that the republic should perish, it was only a question as to how and by whom it should be overthrown.

Two men who were equally ambitious—except that the one did not know how to proceed to his end so directly as the other—effaced all the other citizens by their credit, their exploits, and their virtues. Pompey appeared first; Cæsar followed him closely.¹⁰

In order to draw upon himself the popular favor, Pompey procured the abrogation of those laws of Sylla which limited the power of the people; and when he had thus sacrificed to his ambition the most salutary laws of his country, he obtained all that he desired. The temerity of the people knew no bounds in their admiration of him.

The laws of Rome had wisely divided the public power among a great number of magistracies, which mutually supported, checked, and tempered each other. As all these magistracies were depositaries of only a limited measure of power, every citizen was eligible to them; and the people—being used to seeing many personages, one after another, pass before them—did

⁹ We may note what happened after the death of Cæsar.

¹⁰ Pompey was about six years the senior of Cæsar; the one was born B. C. 106, the other B. C. 100.—TRANSLATOR.

not become accustomed to any one in particular. But, at the time of which we now speak, the system of the republic had changed. The most powerful men induced the people to give them extraordinary commissions—commissions which annihilated the authority of the magistrates and of the people themselves—and which placed all grades of affairs in the hands of one man or of a few.¹¹

Was it necessary to make war against Sertorius? the commission was given to Pompey. Against Mithridates? all cried out for Pompey. Was Rome needing a supply of grain from abroad? The people regarded themselves as ruined if Pompey had not charge of the business. Was it resolved to destroy the pirates? Pompey only was capable of doing it. And, when Cæsar threatened to march upon Rome, the senate in its turn raised its voice for Pompey, and felt no hope except in him.

“I really believe,” said Marcus¹² to the people, “that Pompey, whom the nobles follow, would rather secure your liberty than their domination; but there was a time when each of you had the protection of many, instead of all having the protection of one—a time when it was unheard of that a single mortal possessed the power to give or take away such things.”

Among the Romans, whose polity was adapted to

¹¹ *Plebis opes immixtæ, paucorum, potentia crevit.* (SALLUST, *De Conjuratione Catil.*)

¹² Fragment of *Sallust's History.*

self-aggrandizement, it was necessary to confer honors and power upon the same persons—that which, in times of public trouble, might serve to fix the admiration of the people upon a single citizen.

When honors are conferred, we know precisely what is given; but when power is added, we cannot say to what extent it may be carried.

Excessive preferences, extended to any one citizen in a republic, are always attended by certain necessary effects: they either excite the envy of the people, or increase beyond measure their love for the popular favorite.

On two occasions Pompey returned to Rome master of the destinies of the republic; but he had the moderation to disband his armies before entering the capital, and to present himself therein in the character of a simple citizen. These acts—which covered him with glory—determined the senate afterwards to declare steadily in his favor—notwithstanding all he had done to the prejudice of the laws.

Pompey was actuated by an ambition which was slower and more moderate than that of Cæsar. The latter, like Sylla, was willing to obtain sovereign power by armed violence; but this style of oppression was not agreeable to Pompey. He aspired to the dictatorship, but he wished to obtain it by the suffrages of the people. He would not consent to the usurpation of power, but he desired that it might be placed in his hands.

As the favor of the people is never constant, there came a time when Pompey saw his credit diminish;¹⁸ and—what touched him very sensibly—he saw the increasing credit of men whom he despised, and who employed their growing influence against him. This led him to three courses of action which were equally destructive.

He corrupted the people by the use of money, and put into the elections a price upon the suffrage of each citizen.

Further, he engaged the vilest of the populace to disturb the magistrates in the exercise of their functions—hoping that the orderly citizens, thus left to live in a state of anarchy, would make him dictator from despair.

Finally, he united his interests with those of Cæsar and Crassus.

Cato said it was not the enmity of these men that ruined the republic, but their union; and in fact Rome was in such a wretched condition that she was less hurt by the civil wars than by the ensuing peace, which, by uniting the views and the interests of the principal leaders, was nothing other than a state of tyranny.

Properly speaking, Pompey did not lend his credit to Cæsar, but, without knowing it, he sacrificed it to him. Very soon Cæsar employed against him the very power which he had received from him, and

¹⁸ See Plutarch, *Life of Pompey*.

even his own artifices. He disturbed the city by his emissaries, and rendered himself master of the elections. Consuls, prætors, tribunes, were purchased at the prices which they placed upon themselves.

The senate—which clearly comprehended the designs of Cæsar—had recourse to Pompey, and prayed that he would take upon himself the defense of the republic—if, indeed, we may call by that name a government which asked for protection at the hands of one of its citizens.

I believe that that which above all ruined Pompey was the shame which he felt at the thought that, in elevating Cæsar as he had done, he had been wanting in foresight. He yielded as slowly as possible to this idea; he did not place himself in a state of defense, in order that he might not have to admit that he had placed himself in danger; he maintained to the senate that Cæsar would not dare to make war; and, because he had so often said this, he continued to repeat it.

It seems that one circumstance had put Cæsar in a position to undertake all. This was that, by an unfortunate conformity of names, Gaul beyond the Alps had been joined to his government of cisalpine Gaul.

Policy did not permit that armies should be stationed near Rome, and neither did it permit that Italy should be entirely stripped of troops. The consequence of this was that considerable forces were

held in cisalpine Gaul—that is, in the country which extended from the Rubicon, a small river in Romagna, to the Alps. But, in order to render the city of Rome secure from these troops, the celebrated *senatus consultum* was passed, the inscription of which is still to be seen on the road leading from Rimini to Cesena, and by which, whoever might pass the Rubicon with an army, a legion, or a cohort, was devoted to the infernal gods, and declared to be sacrilegious and a parricide.

To a government so important as that of cisalpine Gaul, and which held the city in check, was joined one which was more considerable yet. This was transalpine Gaul, comprehending the countries of the south of France, and offering Cæsar an opportunity to carry on war during many years with whatever peoples he would. The result was, that his soldiers grew old with himself, and that he conquered them no less than the barbarians. If Cæsar had not had the government of transalpine Gaul, he would neither have corrupted his soldiers, nor caused his name to be respected by so many victories. If he had not had the government of cisalpine Gaul, Pompey would have been able to arrest his passage of the Alps; whereas, from the very beginning of the war, the latter was compelled to abandon Italy—a circumstance which ruined the reputation of his party; and, in civil wars, reputation is power itself.

The same consternation which Hannibal created

in Rome by his victory at Cannæ, Cæsar created by crossing the Rubicon. Pompey was dismayed; and, in the first moments of the war, he saw no course to take except that which remains in connection with desperate affairs. He could only succumb and fly. He retreated from the capital, leaving the public treasure behind him; he could nowhere retard the career of the conqueror; he abandoned a part of his troops, all Italy, and passed beyond the sea.

Much has been said respecting the fortune of Cæsar; but that extraordinary man possessed so many great qualities in perfection—although he had many vices also—that it is difficult to conceive that he would not have been conqueror, no matter what army he had commanded, or that he would not have governed, no matter in what republic he had been born.

After having defeated the lieutenants of Pompey in Spain, Cæsar proceeded to Greece in search of the chief himself. Pompey, who held the shore of the sea, and commanded superior forces, was on the verge of seeing the army of Cæsar perish from want and famine; but, as he possessed in a supreme degree the weakness of desiring to be approved, he could not refrain from lending an ear to the vain discourses of his followers, who incessantly rallied or accused him.¹⁴ He wishes, said one, to perpetuate his command, and, like Agamemnon, to be king of

¹⁴ See Plutarch, *Life of Pompey*.

kings. I warn you, said another, that we shall eat no more Tusculan figs this year. Some particular successes which he achieved turned the heads of the senatorial troop that attended him; and thus, in order not to be blamed, he did a thing which posterity will always censure: he sacrificed all his advantages in order to proceed, with raw troops, to engage in battle with an army which had so often conquered.^{15 16}

When, after the battle of Pharsalia, the remains of Pompey's forces had withdrawn into Africa, Scipio, who commanded them, would not follow the advice of Cato—which was to protract the war into a long one. Inflated by some advantages, he risked all and lost all; and, when the party was re-established by Brutus and Cassius, the same precipitation ruined the republic a third time.

It is to be observed that during the civil wars, which lasted for so long a time, the power of Rome constantly increased abroad. Under Marius, Sylla, Pompey, Cæsar, Anthony, and Augustus, Rome continually grew more terrible, and completed the overthrow of all the kings who yet remained.

There is no state which so dangerously menaces others with conquest as one which is experiencing the horrors of civil war. All orders of men—the noble,

¹⁵ This is well explained in Appian, *The Civil War*, Book IV, ch. cviii, etc.—The army of Octavius and Anthony would have perished of famine if battle had not been given.

¹⁶ See my *Note* at the end of this chapter.—TRANSLATOR.

the burgher, the artisan, the laborer—become soldiers ; and, when the contending forces are reunited by peace, such a state possesses great advantages over others, whose populations consist mostly of citizens only. In addition to this, great men are often formed during civil wars ; for, in the midst of confusion, great men come to light ; each determines for himself his own place and his own rank, whilst at other times the places of men are determined for them, and often with no regard to their capabilities. And, to pass from the example of the Romans to others more recent, the French have never been so formidable abroad as after the quarrels of the houses of Burgundy and Orleans, after the troubles of the League, and after the civil wars which occurred during the minorities of Louis XIII and Louis XIV. England has never been so much respected as under Cromwell after the wars of the Long Parliament. The Germans did not acquire superiority over the Turks until after the civil wars of Germany. The Spaniards under Philip V, immediately after the civil wars of the Succession, displayed a power in Sicily which astonished Europe ; and at the present day Persia, rising afresh from the ashes of civil war, humiliates the Turks.

At length the Roman republic was subverted. There is no necessity that we should accuse the ambition of a few individuals, but there is a necessity that we should accuse *man*—always the more greedy for the acquisition of power in proportion as the

amount which he already possesses is great. He desires all for no other reason than that he already possesses much.

If Cæsar and Pompey had thought as Cato, others would have thought as Cæsar and Pompey; and the republic, ready to perish, would have been drawn to the precipice by another hand.

Cæsar pardoned everybody; but it appears to me that the moderation which a man shows after he has first usurped all does not merit great praise.

Whatever may have been said of the activity of Cæsar after the battle of Pharsalia, Cicero justly accuses him of having been slow. The latter tells Cassius that they had never believed that the party of Pompey would have thus revived in Spain and Africa; and that, if they could have foreseen that Cæsar would amuse himself as he did in his war at Alexandria, they would not have made their peace with him, but would have withdrawn with Scipio and Cato into Africa.¹⁷ Thus, by a foolish amour, Cæsar encumbered himself with four wars, and, in not anticipating the last two, he again put in question that which had been decided at Pharsalia.

At first, Cæsar governed under the titles of the Roman magistracies; for men are not much touched except by names; and, as the peoples of Asia abhorred those of consul and proconsul, the peoples of Europe detested that of king; so that, at this time,

¹⁷ *Familiar Letters*, Book XV.

these names constituted the happiness or the despair of the earth. Cæsar attempted to have a diadem placed upon his head, but, seeing that the acclamations of the people ceased, he rejected it. He made yet other attempts;¹⁸ but I cannot comprehend that he believed that, since the Romans endured him as tyrant, they therefore loved a tyranny, or that they really thought they had done what in fact they had done.

On one occasion, while the senate conferred certain honors upon him, he neglected to rise from his seat; and then the gravest members of this body completely lost their patience.

Men are never more offended than when their ceremonies and usages are disregarded. Seek to subdue them; this is sometimes a proof of the esteem which you have for them. Shock their customs; this is always taken as an indication of contempt.

At all times an enemy of the senate, Cæsar could not conceal the contempt he had conceived for that body, which—since it possessed power no longer—was become almost ridiculous. For this reason, even his clemency was insulting. He was regarded, not as pardoning, but as disdaining to punish.

He carried his contempt for the senate so far that he himself made *senatorial decrees*, and subscribed to them the names of the first senators that came

¹⁸ He set aside the tribunes of the people.

into his mind. "I learn sometimes," says Cicero,¹⁹ "that a *senatus-consultum*, passed upon my recommendation, has already been carried into Syria and Armenia before I have become aware of its existence; and many princes have written me letters of thanks for having advised that the title of king should be given them, whom not only I did not know to be kings, but I did not so much as know that they were in the world."

In the letters of some great men of this time,²⁰ which have been placed under the name of Cicero for the reason that most of them were written by him, we may see to what a condition of humiliation and despair the first men of the republic were reduced by that sudden revolution which deprived them of their honors, and even of their occupations; when—inasmuch as the senate was shorn of its powers—they could no longer hope for that credit which they had heretofore enjoyed throughout the earth, except in the cabinet of one man. This state of things is much better realized from these letters than from the accounts of historians. They are a masterpiece of the *naïveté* of men united by a common calamity, and of an age when a meretricious politeness had not diffused falsehood everywhere. We do not see in these letters, as in most of our modern correspondence, people who desire to

¹⁹ *Familiar Letters*, Book IX.

²⁰ See the *Letters of Cicero and of Servius Sulpitius*.

deceive; but we feel that we are in the presence of unhappy friends, who seek to communicate all to each other.

It was very difficult for Cæsar to defend his life. Most of the conspirators were men who either belonged to his own party, or who had been loaded with benefits by him;²¹ and that this should have been so was very natural. The conspirators had realized great advantages from Cæsar's success; but the more their fortunes improved the more they began to participate in the common calamity;²² for, to a man who has nothing, it imports little enough, in certain respects, under what government he lives.

In addition to this, there was a certain law of nations—a certain opinion established in all the republics of Greece and Italy—according to which the assassin of any one who had usurped sovereign power was regarded as a virtuous man. Especially at Rome, after the expulsion of the kings, this law was definite, and its execution approved. The republic armed the hand of each citizen, constituted him a magistrate for the moment, and acknowledged him as her defender.

Brutus dared even to say to his friends that, if it had been his own father, returned to the earth, he

²¹ Decimus Brutus, Caius Casca, Trebonius, Tullius Cimber, Minutius Basilius, were friends of Cæsar. (APPIAN, *De Bello Civili*, lib. ii, ch. cxiii.)

²² I do not speak of the satellites of a tyrant, who would share his ruin, but of the companions of a tyrant, under a free government.

would have killed him all the same ;²³ and although, in consequence of the continuance of the tyranny, this spirit of liberty was gradually lost, yet, at the beginning of the reign of Augustus, conspiracies were constantly reviving.

This idea of assassinating tyrants arose from a dominant love of country which, passing beyond the ordinary rules prescribed for the judgment of crimes and virtues, and listening to the voice of patriotism only, saw neither citizen, nor friend, nor benefactor, nor father. Virtue seemed to forget herself in order to surpass herself; and the act which could not at first sight be approved, for the reason that it was atrocious, she caused to be admired as divine.²⁴

In fact, was not the crime of Cæsar—who lived under a free government—of such a nature that it could not be punished otherwise than by assassination? And, to ask why he was not pursued by open force, or by the laws—would not that have been the same thing as to have appealed to his own crimes for redress?

²³ *Letter of Brutus*, in the collection of those of Cicero.

²⁴ Compare the remarks upon *tyrannicide*, which may be found at the close of my *Note* at the end of this chapter.—TRANSLATOR.

NOTE BY THE TRANSLATOR.

THE vast relative importance which, in the general scheme of Roman history, attaches to the closing age of the republic, will justify some further reference to the three prominent actors whom Montesquieu places in the foreground of this eventful epoch. The proscriptions of Sylla, the military genius and character of Pompey, and the rôle which Cæsar performed in the usurpation of supreme power, will therefore constitute the subjects of some additional remarks; to which may be fitly added some further notice of the ancient doctrine of tyrannicide, in the application of which the great usurper perished—thus fulfilling the law of tragic interest by mingling his own blood with the fall of the republic.

1. The *proscription* was a novelty in the Roman system, taking its rise from the general fury of the civil wars, exalted to a yet greater degree of intensity in the special frenzy of Sylla. It was a frightful instrument of injustice and tyranny; and its introduction clearly indicated that the republican spirit—which had heretofore upheld the institutions of

Rome—had experienced a fatal collapse. The following extract from the accurate and learned work of Dr. Adam will give some idea of what this novelty was, and how it was operated by its inventor:

“Sylla first introduced the method of proscription. Upon his return into the city, after having conquered the party of Marius, he wrote down the names of those whom he doomed to die, and ordered them to be fixed up on tables in the public places of the city, with the promise of a certain reward for the head of each person so proscribed. New lists were repeatedly exposed as new victims occurred to his memory, or were suggested to him. The first list contained the names of forty senators and 1,600 equites. Incredible numbers were massacred, not only at Rome, but through all Italy. Whoever harbored or assisted a proscribed person was put to death. The goods of the proscribed were confiscated, and their children declared incapable of honors. The lands and fortunes of the slain were divided among the friends of Sylla, who were allowed to enjoy preferments before the legal time.”¹

The proscription, therefore, was wholesale murder and robbery, perpetrated by the successful upon the defeated faction; and, in forming a just idea of the ruin of the republic, which speedily followed, it is worthy of special remark that this violent and bloody practice originated with the *aristocratic*, and

¹ *Rom. Ant.*, Phila., 1872, p. 134.

not with the *popular* faction. Sylla was the leader of the former, Marius of the latter; and, whilst Marius was in the ascendant—however extensive may have been his massacres and assassinations—he organized no machinery for systematic destruction, he resorted to no such cold-blooded and awful instrument of tyranny as the proscription.

Mr. Maine—one of that small number of writers in the English language who have carried the spirit of philosophy and general reason into the literature of law—thinks the proscription may be traced to the want of power in the Roman criminal tribunals, or *Quæstiones Perpetuæ*, to inflict the penalty of death. “The incompetence of the Roman tribunals to pass sentence of death,” he says, “led distinctly and directly to those frightful revolutionary intervals, known as the proscriptions, during which all law was formally suspended simply because party violence could find no other avenue to the vengeance for which it was thirsting.”² I suspect that the cause here assigned is not equal to the effect claimed for it. It may be admitted, indeed, that such want of power in the criminal courts existing in the time of Marius and Sylla had some tendency to increase irregular violence in a society filled with vicious persons; but it appears to me, nevertheless, that the main cause of the proscriptions is to be sought, not in any defect in the criminal law, but in that grow-

² *Ancient Law*, N. Y., 1864, p. 376.

ing revolutionary spirit which had at length brought the two factions to a trial of armed force, and which, proceeding as this disorderly spirit did from general causes, would have conducted the state to the same issue, no matter how efficient the provisions of the criminal law might have been. Doubtless proper laws have a tendency to anticipate and ward off revolution; and in some instances they will actually do so. But, where the temper of a people has ceased to be compatible with their existing form of government, the disorderly forces of society are too large for legal restraint; and this seems to have been the case with the Romans at the time of which we speak. Laws punishing particular crimes with death would hardly have stayed the hand of a man like Sylla, whose passion and whose principle it appears to have been, to strike off the heads of the enemies of his faction, whether guilty of any such crimes or not.

Condemning, killing, and confiscating by way of proscription, which admitted no charge legally preferred, no notice to answer, no trial and no proof of guilt or innocence, but simply inscribed the victim's name upon a tablet, and armed against him a troop of assassins, each vying with the rest for the price set upon his head, must clearly take its place as one of the basest and most criminal contrivances that was ever resorted to by power; and, when we remember that all Italy was thus stained with the blood of the Marian faction—which in its turn had been guilty

of atrocities only second in extent and quality—we may have some idea of the causes which were already hurrying the republic to ruin, when Sylla and Marius were succeeded, and, so far as party position was concerned, represented, by Pompey and Cæsar.

2. The great and successful part which Pompey for so long a time acted in connection with the destiny of Rome, followed as it finally was by an overthrow in which he perished with the republic, gives rise to an interesting question respecting the real character of his military genius.

Whatever excuse there may or may not have been for his neglect to anticipate Cæsar, by placing Rome and the adjacent parts of Italy in a state of defense, it appears certain at all events—after the storm had burst upon the unguarded capital—that he manifested great and prompt ability in assembling the land and naval forces of the republic in Greece and upon the neighboring seas. And, fully aware how superior were the veteran legionaries of Cæsar to his own new levies, his plan appears to have been to compensate the inferiority of his material by protracting the war and awaiting the effect of discipline, by carefully avoiding a decisive engagement, by availing himself of his greatly superior numbers on land for secure defense in strong positions, and of his overwhelming ascendancy on sea to supply his own forces and to cut off the supplies of his enemy. This plan seems to have been consummately well conceived in the circum-

stances in which he was placed after his abandonment of Italy; and, had it been rigorously adhered to, it appears probable that Cæsar would have been beaten in the end. So long as Pompey was faithful to his own theory of the contest, the scale inclined in his favor. Cæsar—conscious that the military requirements of his situation were the reverse of those of his antagonist—knowing that his weak side consisted in delay, and his strong one in early and decisive action—made repeated and almost desperate attempts to draw Pompey into a general engagement. For many months all such attempts were skilfully foiled by his adversary; and, up to the time of Cæsar's withdrawal from Dyrrachium, it must be confessed that Pompey had played the master hand. At this crisis the affairs of Cæsar, whether in Greece, on sea, or in Italy, bore the hue of a waning cause; and public opinion rather strongly expected his overthrow.

It is mainly at this point that the question arises upon Pompey as a general. In departing from the plan which he had hitherto pursued, in following his enemy into the open field with troops of greatly inferior quality, and staking all on a single battle, and that, too, at a time when delay alone was visibly working the ruin of Cæsar, was Pompey impelled by his own judgment as a soldier? If so, his genius would clearly have to be held defective; but he does not appear to have been thus determined. Was he biased by the augurs and the haruspices, whose divinations—

really a reflex of the public expectation—converged strongly in his favor? If so, his genius was impaired by an unworthy superstition; and it may be that he was in some degree touched by this influence. Was he virtually coerced by a demoralization in his command which was equally as dangerous as the peril of a decisive battle? If so, he may be classed among those great but unfortunate men who have been overborne by circumstances too strong for any human will to control; and there was much in the composition of his command and in the character of his retainers to indicate that something of this sort may have been present. But, finally, was he, as Montesquieu supposes, determined by the mere impatience, raillery, and importunity of the great personages who had assembled in his camp? If so, his vanity was superior to his genius—a truly fatal defect in a general on a trying occasion. But the real state of the case, as it presents itself for judgment at this distance of time, seems rather to be that Pompey may have been influenced by the last three causes combined; and, as it is extremely difficult, if not impossible, to determine in what degree by each, it appears to be equally difficult to say with precision to what extent his military conduct was culpable or excusable.

Dr. Middleton presents much the same view as that of Montesquieu, but in terms somewhat more favorable to Pompey. “But, after all,” says this able writer, “it must be owned that Pompey had a very

difficult part to act, and much less liberty of executing what he himself approved than in all the other wars in which he had been engaged. In his wars against foreign enemies his power was absolute, and all his motions depended on his own will; but in this, besides several kings and princes of the East who attended him in person, he had with him in his camp almost all the chief magistrates and senators of Rome, men of equal dignity with himself, who had commanded armies, and obtained triumphs, and expected a share in all his councils; and that, in their common danger, no step should be taken but by their common advice: and, as they were under no engagement to his cause but what was voluntary, so they were necessarily to be humored, lest through disgust they should desert it. Now, these were all uneasy in their present situation, and longed to be at home in the enjoyment of their estates and honors; and, having a confidence of victory from the number of their troops and the reputation of their leader, were perpetually teasing Pompey to the resolution of a battle, charging him with a design to protract the war for the sake of perpetuating his authority; and calling him another Agamemnon, who was proud of holding so many kings and generals under his command; till, being unable to withstand their reproaches any longer, he was driven by a kind of shame, and against his judgment, to the experiment of a decisive action.”³

³ *Life of Cicero*, London, 1839, p. 188.

After resolving to risk an open and general battle with such troops as he commanded, it was no discredit to Pompey's capacity that he was overthrown. Cæsar himself indicated the quality of his rival's forces by the characteristic remark, just before leaving Italy for Spain, that "he was going against an army without a general, and that he should thence return against a general without an army."⁴ The question of capacity on the part of Pompey arises solely upon his resolution to fight a decisive battle under the circumstances, and it is curious to reflect that, but for the seemingly fortuitous circumstances which appear to have diverted him from the masterly plan of operations which he had formed, and for a considerable time adhered to, it is clearly within the scope of reasonable probability that he, and not Cæsar, would have acquired the repute of being the first military man of Rome. It is obvious, at all events, that the easy and vulgar method of judging by the event has too much obscured the just fame of Pompey. This able man had nearly doubled both the domain and the revenues of the republic, and the triumphs with which he had been honored had commemorated his achievements in Europe, Asia, and Africa. The contrast of so much greatness with his wretched flight from Pharsalia, and his miserable death by the hand of an assassin on the coast of Africa, is one of the

⁴ *Professus ante inter suos, ire se ad exercitum sine duce, et inde reversum ad ducem sine exercitu. Suet. Cæsar, 34.*

sharpest which history presents. Like Hannibal and Napoleon, it was his fate to touch the extremes of fortune ; but, unlike them, his fame has not proved to be wholly superior to the reverses by which his career was broken and ended.

3. The part which Cæsar performed—in giving the final blow to a republic which, in fact, was already virtually ruined as such before he had assumed the *toga virilis*—has probably fixed more attention than any other transaction in the secular history of mankind. Two leading phases of opinion may be discriminated. On the one hand, the sympathies of liberal minds have been attracted to the expiring republic ; eloquence has exhausted itself in painting the crime of the usurper ; and poetry has gone so far as all but to deify his assassins. On the other hand, the spirit of imperialism has selected Cæsar as its supreme prototype and representative ; it has distinguished his rôle as being eminently in the interest of order and public weal ; and its most devoted advocates have wanted terms to express their admiration of one whom they have accepted as the world's foremost public man. The rational thinker—identifying himself with neither of these views—sees in the fall of the republic the mere completion of a social change which had taken its rise in general causes, and which had been rapidly tending to a revolutionary crisis for more than a generation. No special view, no one-sided or par-

tisan estimate, is competent to embrace the true meaning and value of the revolution in which Cæsar triumphed and the Roman Patriciate went down. We cannot, indeed, suppress our human sympathies in presence of so great and terrible a tragedy, and we ought not to do so if we could; but we can see that the wreck of fortunes, the ruin of great families, and the bitter humiliation with which this ruin was attended, were but results of an inevitable social explosion, which had been long preparing in the bosom of the state, and that the only open question was as to which of the two great factions should come out uppermost.

In this view, it is necessary to accept with care and qualification many of the finest things that have been said in relation to the subversion of the Roman republic. Macintosh, for instance, has some beautiful reflections upon the subject, which it appears to me should be so received. "The Roman Patriciate," he says, "trained in the conquest and government of the civilized world, in spite of the tyrannical vices which sprung from that training, were raised by the greatness of their objects to an elevation of genius and character unmatched by any other aristocracy, ere the period when, after preserving their power by a long course of wise compromise with the people, they were betrayed by the army and the populace into the hands of a single tyrant of their own order—the most accomplished of usurp-

ers, and, if humanity and justice could for a moment be silenced, one of the most illustrious of men. There is no scene in history so memorable as that in which Cæsar mastered a nobility of which Lucullus and Hortensius, Sulpicius and Catulus, Pompey and Cicero, Brutus and Cato were members.”⁵

It is certainly true that for many centuries the Roman aristocracy displayed very great administrative ability, and it might be conceded that the scene of their overthrow was one of the most memorable in history; but I think it is not true that this revolution can be adequately expressed by the formula of a betrayal on the part of “the army and the populace.” Too special and limited a view of the cause of the event is thus suggested. Stated in its just breadth, the real cause of the revolution was that the aristocracy, the populace, and the army had become corrupt together, and that the particular virtues which are essential to a republican government nowhere existed in sufficient force to longer uphold the old institutions. Under the influence of the great wealth which had been rapidly gathered into Rome after the second Punic war, in the form of spoils, tributes, and perquisites from powerful clients abroad, the whole tone of the Roman character had undergone a profound change; and, instead of wealth being despised as a mark of social distinction, or as a means of political advancement—as in the days of

⁵ *Dissertation on the Progress of Ethical Philosophy*, sec. 2.

Cincinnatus, Fabricius, and Curius Dentatus—the Roman who lived in the time of Pompey and Cæsar placed a money value upon everything connected with the interests of the state. Offices, public duties, suffrages, had acquired a mercenary price. So desperately corrupt had the elections become that even Cato himself—who is generally regarded as having been the most virtuous citizen of his age—yielded to the delusion, on the occasion of a certain consular election, that the public good would be advanced by bribing the voters.⁶ It is apparent, indeed, from the details of the history of the time, that the demagogues of the popular faction, with Cæsar at their head, were the more open and indecent in their corrupt practices; but it is equally apparent that the aristocratic faction, under the lead of Pompey, had very generally lost the old patrician virtues.

The political character of all orders in the state being thus lowered, it was fatally necessary that the government should respond to the declension of the national character, and seek a new adjustment to the altered conditions of the national life. There were two ways in which it seemed possible that this might be accomplished, accordingly as the patrician or the popular faction might triumph. In the one case the government would become much more intensely aristocratic, and its popular functions would

⁶ *Suet. Cæsar*, 19.

be reduced to practical insignificance; in the other, the chief powers of the state would pass into the hands of a princely demagogue, compelled by the logic of his position to humble the patricians and to pander to the army and the populace. In either event there was no longer any reasonable hope for the old republic. The time for mutual concession had passed. The two ancient parties, which for five centuries had contended together with such loyal gallantry—corrupted at length by great empire in connection with low culture—had become the most depraved of factions, thoroughly unscrupulous in the choice of means, and filled with the bitterest mutual enmity. The spirit of compromise, by which their dissensions had been so often reconciled, had wholly disappeared in the blood which had been shed under Marius and Sylla. The contest between these chiefs was the first great armed struggle of the factions. In this opening conflict the popular faction had been badly worsted; and it was evidently the intention of Sylla to so cripple it that it could not rise again. In this, however, his will was completer than his deed. He left the state filled with the sons, relations, and friends of men who had fallen by his military executions, or perished by his murderous proscriptions. The short period which intervened between his death and the renewal of the struggle was a hollow truce, a delusive calm, alarmed by conspiracies and disturbed by seditions. The general

temper of the Roman mind was such that it was unavoidable that the contest should go on until the one or the other of the factions should be effectually crushed.

In looking at the two opposing *principles*, there appears to be small ground for rational choice. We are to choose between the rule of a corrupt aristocracy, inflated by success and inflamed by resentment, and the rule of a single tyrant equally corrupt, and relying for his support upon the populace and the military. In looking at the two *leaders*, the case is otherwise. Here we are to choose between a man who, had he succeeded, would all but certainly have imitated Sylla in drenching his country in the blood of his defeated fellow-citizens,⁷ and one who, in spite of his amazing vices,⁸ was much superior to Marius. It so fell out that the latter triumphed; and, under the bad conditions of the situation, it is difficult to see that humanity, justice, and liberty were worse off than they would have been had he failed and his rival succeeded.

Such, in the most comprehensive view of the question, appears to me to be the *rationale* of that famous revolution by which the Roman republic came to an end. General causes made it inevitable that it should fall; particular causes determined the manner and form of the catastrophe. The princi-

⁷ Middleton's *Life of Cicero*, London, 1839, p. 185.

⁸ *Suet. Cæsar*, 40, 43, 44, 49, 50, 52, 54, 76.

pled monarchist and the principled republican can equally acquiesce in the change; the one from the mistaken and superficial conviction that all popular governments are abnormal; the other from the knowledge that, although the republican type of government is demonstrably the highest and best, it cannot beneficially survive the loss of its precedent social conditions.

We have the testimony of Tacitus that the great mass of the subjects of Rome—the numerous peoples who were distributed through the provinces—were not averse to the overthrow of the old *régime*, disgusted as they were with a government which was perturbed by “the dissensions of the great” and debased by “the avarice of the magistrates”; a government in which “the laws were invalidated by force, ambition, and bribery.”⁹ There is little in the subversion of such a government—still holding though it did the name of a republic—to enlist the sympathies or to excite the regret of a rational friend of free institutions.

4. In view of the state of opinion among the Romans in relation to the killing of tyrants, it was, of course, natural that Cæsar’s life should be brought to a violent end; and in the remarks which Montesquieu makes upon the subject, he assumes the

⁹ *Neque provinciæ illum rerum statum abnuebant, suspecto senatus populiq[ue] imperio ob certamina potentium, et avaritiam magistratuum; invalido legum auxilio, quæ vi, ambitu, postremo pecunia turbabantur.*—*Anal.* i, 2.

tone of an ancient rather than of a modern philosopher.

The *tyrant* (*tyrannos*, *tyrannus*) of the Greeks and Romans originally signified a lawful supreme ruler; but in the course of time—after the establishment of republics by both peoples—the term came to be applied to usurpers of the sovereign power; and there was a strong opinion to the effect that it was not only right, but eminently meritorious, to *assassinate* such intruders. Thus, among the Greeks, Harmodius and Aristogiton—the assassins of Hipparchus—received all but divine honors; and, shortly after the expulsion of the kings from Rome, a law was made which authorized every citizen of the republic to become at once judge and executioner, and to slay any one who might aspire to the regal power; and it seems that this law was still standing at the time of the killing of Cæsar—more than four hundred and fifty years after its enactment.¹⁰

Cicero—who is commonly so just in his ethical principles, and who, in point of intellectual force and accomplishments, was probably the greatest and most luminous genius that adorned republican Rome—gives his full sanction to the doctrine of assassination as applied to tyrants. “What,” he says, “can be more deeply criminal than to slay, not only a man, but a man who is furthermore an intimate

¹⁰ Comp. *Livy*, ii, 8; Plutarch, *Life of Publicola*; and Gibbon's *Rome*, ch. xliv.

friend? Does he, therefore, involve himself in crime who slays a tyrant—however intimate a friend he may be? Certainly the Roman people—who regard this as the most beautiful of all illustrious acts—do not so view it. Has utility, then, triumphed over virtue? On the contrary, utility has in truth followed virtue.”¹¹

The very wide difference between ancient and modern thought on the subject of tyrannicide is a fact of much significance. Rightly considered, it indicates a profound social and ethical progress. There is no instance in modern times in which a desirable reputation has been acquired by the assassination of a ruler. On the contrary, this class of assassins has very generally been consigned to the execration of history. In the present century, it is probable that no writer of character has gone further in extenuation of the assassination of a tyrant than Lamartine in his remarks upon Charlotte Corday—the least culpable, perhaps, of all the modern assassins: “In the face of murder, history dares not praise, and, in the face of heroism, dares not condemn her.” The old admiration of the ancient assassins is also dying out. It would be hardly possible for another such rhapsody

¹¹ *Quod potest majus esse scelus, quam non modo hominem, sed etiam familiarem hominem occidere? Num igitur se astrinxit scelere, si qui tyrannum occidit, quamvis familiarem? Populo quidem Romano non videtur, qui ex omnibus præclaris factis illud pulcherrimum existimat. Vicit ergo utilitas honestatem? Immo vero honestas utilitatem secuta est. (De Officiis, iii, 4.)*

as that of Akenside upon Brutus¹² to be produced at the present day; and, if produced, it would have to come from some enthusiastic youth or closeted “modern ancient.” As liberty comes to be better understood, and as men grow to be more capable of it, sympathy with the doctrine of assassination of *tyrants* diminishes. As civilization does its work, conscience more and more shrinks from a doctrine which, whilst professing to limit itself to the destruction of the worst of men, authorizes treachery, falsehood, and stealth, as means for the accomplishment of murder, and places the lives of such men as William the Silent, Henry IV of France, and our own Lincoln, at the disposal of such abnormal wretches as Baltasar Gérard, François Ravailac, and John Wilkes Booth.

What is the definite reason for this great change of opinion on the subject of tyrannicide? I think it

¹² Or is there in the abyss,
Is there among the adamantine spheres
Wheeling unshaken through the boundless void,
Aught that with half such majesty can fill
The human bosom, as when Brutus rose
Refulgent from the stroke of Cæsar's fate
Amid the crowd of patriots; and, his arm
Aloft extending like eternal Jove
When guilt brings down the thunder, call'd aloud
On Tully's name, and shook the crimson sword
Of justice in his rapt, astonish'd eye,
And bade the father of his country hail,
For lo, the tyrant prostrate on the dust,
And Rome again is free?

(*The Pleasures of the Imagination*, Book II.)

emperors before the blood of human victims ceased to flow, either as an offering to the gods or to the souls of the dead; and thus we have, in the case of the Romans, a striking illustration of the general law of history—that in all progressive societies the popular religious ideas yield tardily to the advancing social movement.

IV. I suspect that a neglected, but very important, cause of the final overthrow of the Roman power by the nations of the North may be found in the progressive diffusion of the use of iron among these rude peoples, and in the consequent positive increase of their military force and efficiency.

The earliest periods of Greek and Roman history seem to abut upon an Age of Bronze. "It is stated," says Professor Worsaae, "by Homer, Hesiod, and other authors, that the Greeks in the most ancient time, before they had knowledge of iron, used bronze, which was also the case with the Romans." At later, though yet remote periods in their history, these leaders of ancient European civilization appear to have gradually acquired the use of iron. "Already in the time of Homer," says the same writer, "the Greeks had iron, although it was very scarce and expensive; the Romans seem to have had and used iron before the kings were expelled." Thence the use of iron appears to have spread slowly among the peoples of the North. Professor Worsaae continues: "It was partly an effect of Greek and Ro-

man influence that the use of iron was known at a comparatively early period in the northern parts of Italy, in South Germany, and Gallia, the inhabitants of which countries were thereby enabled to contend so gallantly with the Romans. Polybius mentions, however, that the Gauls, who, about two hundred years before Christ, fought against the Romans in the north of Italy, were obliged in their battles to straighten their swords by putting their feet upon them, because they bent when exposed to a heavy blow; a fact which shows that the Gauls did not then possess steel. The invention of making the iron hard is attributed to the Celts of Noricum; in the time of Augustus, the Noric swords were famous in Rome.

“But, if the people in the neighborhood of Rome, and influenced by Roman civilization, at the commencement of the Christian era, generally possessed weapons of iron, it does not follow that the people in the North had also, at so early a time, plenty of that metal. Cæsar says distinctly that, in Britain, iron was only to be found at the coasts, and that in such small quantities that the inhabitants used imported bronze (*ære utantur importato*). It must also be remembered that he speaks of their using iron rings as money. A century after Christ, the Britons seem to have got a great deal more iron, but the Germans had still so little of it that they very rarely had swords, or large lance-heads, of that metal.

Before his death, and while preparing for his expedition against the Parthians, Cæsar had named the magistrates for several years in advance, in order that he might leave behind him officers attached to his interests, and upon whom he could rely for the maintenance of the tranquillity of his government during his absence. Thus it fell out that, after his death, the adherents of his party felt that they were supplied with resources for a long time.

As the senate had approved all the acts of Cæsar without exception, and as the execution of these devolved upon the consuls, Anthony—who was a consul—seized Cæsar's book of accounts, gained his secretary, and caused to be written therein whatever he desired. Thus the dictator reigned more imperiously than during his life; for what he had never done Anthony did. Money which Cæsar had never given, Anthony gave; and all men who cherished bad intentions towards the republic suddenly found a reward in the books of Cæsar.

As an additional misfortune, Cæsar had amassed and deposited in the temple of Opis immense sums for his Parthian expedition. Anthony, with his book, disposed of this treasure at his fancy.

The conspirators had at first resolved to throw the body of Cæsar into the Tiber.¹ They would

¹ This would not have been without precedent. After Tiberius Gracchus was killed, Lucretius, an ædile, who was afterwards called Vespillo, threw his body into the Tiber. (AURELIUS VICTOR, *De Vir. Illust.*, ch. lxiv.)

have met with no obstacle in the execution of that purpose; for, in the first moments of consternation which follow an unexpected action, it is easy to do all that men may dare. This purpose, however, was not carried into execution; and the following is what came of the omission to do so:

The senate felt itself compelled to permit the celebration of the obsequies of Cæsar; and, in fact, from the moment that this body had failed to declare him a tyrant, it could not refuse him the rites of sepulture. Now, it was a custom among the Romans, much extolled by Polybius, to carry the images of their ancestors in their funeral processions, and to pronounce afterwards a funeral oration for the dead. Anthony, who delivered the oration on this occasion, exhibited to the people the bloody robe of Cæsar, read to them the will of the deceased—in which he had left them large legacies—and thus stirred up their passions to such a pitch that they set fire to the houses of the conspirators.

We have an opinion of Cicero—who ruled the senate throughout this affair²—that it would have been better to have acted with rigor, and to have exposed themselves to destruction, and that not one would have perished. But he excuses himself on the ground that when the senate assembled it was already too late; and no one will be astonished at this who knows the value of a moment in connec-

² *Letters to Atticus*, Book XIV, Letter x.

tion with affairs in which the people take so large a part.

There was yet another casualty. Whilst the games were being performed in honor of Cæsar, a comet with a long train appeared during seven successive days. The people believed that his soul had been received into heaven.

It was very customary among the Greeks and Asiatics to build temples to kings, and even to the proconsuls who had governed them.³ They were permitted to do these things as affording the strongest evidence of their servitude which they could give; and the Romans themselves—as regarded their lares, or objects of private worship—might render divine honors to their ancestors;⁴ but I do not find that, from Romulus to Cæsar, any Roman had been placed in the number of the public divinities.⁵

³ See thereon the *Letters of Cicero to Atticus*, Book V, and the remark of the Abbé de Mongault.

⁴ "The Lares of the Romans appear to have been the manes of their ancestors. Small waxen images of them, clothed with a skin of a dog, were placed round the hearth in the hall. On festivals they were crowned with garlands, and sacrifices were offered to them. There were not only *Lares domestici et familiares*, but also *compitales et viales, militares et marini*," &c. Adam's *Rom. Ant.*, Phila., 1872, pp. 188, 189. The worship of the lares was not, therefore, wholly domestic and private. Those of the cross-roads and highways, and those of soldiers and mariners, partook in some degree of a public character.—TRANSLATOR.

⁵ Dion says that the Triumvirs—each of whom hoped some day to occupy the place of Cæsar—did all they could to increase the honors which were extended to him. Book XLVII.

⁶ Montesquieu here has in view the fact—which he implies rather than states—that a place was given to Cæsar among the gods. "He perished," says Suetonius, "in the fifty-sixth year of his age, and was

The government of Macedon had fallen to the lot of Anthony. He desired that of the Gauls instead, from what motive it is easy to see. Decimus Brutus, who had the government of cisalpine Gaul, having refused to turn it over to him, Anthony resolved to expel him by force. This gave rise to a civil war, in which the senate declared Anthony to be an enemy of his country.

As a means of ruining Anthony, who was his particular enemy, Cicero resorted to the bad policy of elevating Octavius; and thus, instead of seeking to induce the people to forget Cæsar, he placed him before their eyes.

Octavius conducted himself with Cicero as an able man. He flattered him, he praised him, he consulted him, and employed all those artifices which vanity never distrusts.

Nearly all affairs are marred by the fact that those who undertake them commonly seek to realize, in addition to the principal object, certain small, particular successes which flatter their self-love, and thus render them content with their part.

I believe that, if Cato had reserved himself for placed in the number of the gods, not only by the form of a decree, but by the credence of the vulgar." (*Periit sexto et quinquagesimo ætatis anno: atque in deorum numerum relatus est, non ore modo decernitum, sed et persuasione vulgi.* Suet. *Cæsar*, 88.) Thus we see that the spirit of excessive admiration of particular men—ascending in its extremes to actual worship, and which is so inconsistent with a republican government—after having been thrown off by the Roman people for many centuries, was resumed by them with the commencement of the empire.—TRANSLATOR.

the republic, he would have given a totally different turn to things. Endowed as Cicero was with admirable parts for a secondary rôle, he was incapable of the first. To a superb genius he united a soul which was often common. With him, virtue was the accessory; with Cato, glory.⁷ Cicero always saw himself first; Cato as constantly forgot himself. The latter would have saved the republic for its own sake; the former in order to boast of his services.⁸ I might continue the parallel by saying that whilst Cato foresaw, Cicero feared; that when Cato hoped, Cicero was confident; that the one always looked upon things with a cool head, the other through a hundred small passions.

Anthony was defeated at Mutina; and the two consuls, Hirtius and Pansa, there perished. The senate, which believed that it held the upper hand in its own affairs, thought of humbling Octavius—who, for his part, ceased to act against Anthony, marched his army to Rome, and caused himself to be declared consul.

And thus it was that Cicero, who boasted that his robe had destroyed the armies of Anthony, gave to the republic an enemy yet more dangerous, for the reason that, whilst his name was dearer to

⁷ *Esse quam videri bonus malebat; itaque, quo minus gloriam petebat, eo magis illam assequebatur.* (SALLUST, *De Bello Catil.*, ch. liv.)

⁸ With all his vanity, I think Cicero's patriotism was much deeper than is here implied.—TRANSLATOR.

the people, his rights were apparently more legitimate.⁹

After his defeat, Anthony had taken refuge in transalpine Gaul, where he had been received by Lepidus. These two men united with Octavius; and the three gave, each to the others, the lives of their friends and their enemies.¹⁰

Lepidus remained at Rome; the other two proceeded in quest of Brutus and Cassius, and found them in a region of country in which the empire of the world was three times disputed by contending armies.¹¹

Brutus and Cassius killed themselves with inexcusable precipitation; and we cannot read this passage in their lives without a feeling of pity for the republic which was thus abandoned. The tragedy, which commenced in some sort by their deaths, was ended by the suicide of Cato.

We might assign many causes for that custom of suicide which was so common among the Romans:

⁹ Octavius was heir of Cæsar, and his son by adoption.

¹⁰ So insensate was their cruelty that they ordered, under penalty of death, that everybody should rejoice in the proscriptions. See Dion.

¹¹ I suppose reference is here made to the battles of Pharsalia, Philippi, and Actium. In the first, B. C. 48, Cæsar triumphed over Pompey; in the second, B. C. 42, Octavius and Anthony defeated Brutus and Cassius; in the third, B. C. 31, Octavius consolidated his power by the overthrow of Anthony. All three of these battles took place within the confines of Greece or upon its neighboring waters—in which fact we may detect a certain poetical propriety. Cæsar expired at the base of Pompey's statue; the ambitious and corrupt republic gave to itself its final and mortal stabs upon the soil and under the eye of vanquished Greece.

—TRANSLATOR.

the progress of the stoical philosophy, which encouraged self-destruction; the institution of the triumph, and that of slavery, which caused many great men to believe that they ought not to survive a defeat; the privilege which the accused had of killing themselves, instead of submitting to a judgment by which their memory would be tarnished and their property confiscated;¹² a certain point of honor, more reasonable, perhaps, than that which prompts us at the present day to slay our friend for a jest or a word; and, finally, the great commodity for heroism which suicide supplied—each one finishing the part which he played in the world at the place which he chose for himself.¹³

We might add to the foregoing the great facility with which self-destruction is executed. The soul, wholly occupied with the act which it is going to commit, with the motives which determine it, with the perils which it is about to escape, does not, properly speaking, see death; for passion causes us to feel, but never to see.

Self-love—the love of our own preservation—transforms itself in so many ways, and acts from principles so opposite, that it prompts us to sacrifice our being for the love of our being; and such is the

¹² *Eorum qui de se statuebant humabantur corpora, manebant testamenta, pretium festinandi.* TACITUS, *Annales*, lib. vi, ch. xxix.

¹³ If Charles I and James II had lived under the influence of a religion which permitted them to kill themselves, the one would not have had to endure such a death, nor the other such a life.

store which we place upon ourselves, that, by virtue of a natural and obscure instinct, which causes us to love ourselves more than our own life, we consent to cease to live.¹⁴

¹⁴ [In some modern editions this chapter ends with the following paragraph:

“It is certain that men have become less free, less courageous, less impelled to great enterprises, than they were at a time when, by virtue of that power which they held over themselves, they were able, at any instant, to escape from every other power.”

But, this passage not being found in any of the editions published during the life of Montesquieu, we have thought it right to remit it to the foot of the page. (P.)]

NOTE BY THE TRANSLATOR.

IN the foregoing remarks upon suicide, as in those respecting tyrannicide, at the close of Chapter XI, we see that Montesquieu was considerably influenced by the ancient spirit.

The thought which needs to be placed in the foreground in connection with suicide is that, where it does not proceed from insanity, it very generally results from a want of courage to meet, and of fortitude to endure, the ills of life. Involving thus a retreat in the face of the enemy—that is, a retreat in the face of the evils with which life is environed—suicide is wanting in the two fundamental elements of true heroism—aggressive courage and passive endurance. It is the office of the first of these to impel the soul to brave, positive action; of the second, to sustain it in those circumstances of misfortune in which the active powers are no longer of any avail. It is clear that the quality of a man is most tried when he is reduced to the latter condition; from which we see that the highest type of heroism consists more in the power to endure than to do.

The choice of suicide, however, even in such circumstances, is still a confession that the soul is too weak, too unheroic, to sustain the burden which has been cast upon it.

The vague impression, in which Montesquieu appears to share, that suicide was relatively more common in ancient than it is in modern times, is probably erroneous. This impression seems to be founded upon the consideration that among the ancients self-destruction was commended by philosophy, permitted by religion, and approved by the law; whilst in our modern societies it is forbidden by the first two, and discouraged as much as may be by the third. But it would appear that there are social causes at work in modern times which act more powerfully in the production of suicide, than law, religion and philosophy are able to do in restraint of it. There are, of course, no ancient statistics upon the subject, by means of which a direct comparison may be made with modern results; but such modern statistics as we have give rise to a suspicion that suicide has increased in our existing societies with the increase of social development.¹ Should this suspicion come to be verified for the future, suicide will take its place as an obstinate *returning current* in the vast direct movement of the stream of civilization.

¹ See Quetelet's *Physique Sociale*, Bruxelles and Paris, 1869, tom. ii, pp. 232-236.

One feels a sad interest in considering side by side two of the laws which Quetelet has generalized from a wide range of facts—the laws which express the tendency to *crime* and the tendency to *suicide* in the life of the average individual:

*“The penchant to crime increases very rapidly towards the adult age; it attains its maximum, and then decreases slowly to the end of life. . . . The penchant to suicide, already developed in infancy, increases sensibly towards the adult age, and goes on continually increasing to the most advanced old age—regard being had to the numbers of the population.”*²

Thus it appears, if Quetelet is right, that whilst the tendency to crime diminishes with the burden of years, the tendency to throw off life increases.

The sphere of the activities, and, consequently, the sphere of the mental excitations, of our modern societies, are evidently much more extensive, complex, and intense than were the like in the societies of ancient times; a difference which probably stands connected, not only with an increased tendency to suicide, but with an increased tendency to insanity as well. But, inasmuch as all normal activity and mental excitation tend to promote physical and cerebral health and energy, we must suppose that the fault lies in that abnormal, and eminently irrational, element of *rush and stress* which has place in our present societies—above all, in that of the United States. The physi-

² *Physique Sociale*, tom. ii, pp. 366, 367.

cal, intellectual, and moral waste, wreckage, and bad work, thence resulting, are enormous. If we moved at a more self-contained pace, we should make much better speed in respect to every rational human interest, and have much less insanity and suicide.

The active forces in our modern societies—and eminently so in the United States—are for the time being considerably larger than the wisdom which controls them; and one of the chief problems which is set before our time—especially before Americans—is to put these two factors in better proportion and accord with each other.

CHAPTER XIII.

AUGUSTUS.

SEXTUS POMPEY held Sicily and Sardinia. He was master of the sea, and had with him an immense number of fugitives and proscribed citizens who fought for their last hopes. Octavius prosecuted two very laborious wars against him, and, after many bad successes, finally vanquished him by means of the ability of Agrippa.

The conspirators had nearly all ended their lives unhappily.¹ It was very natural that men who were at the head of a party which was so often beaten, and that, too, in civil wars in which no quarter was given, should perish by violence. From this circumstance, however, was drawn the conclusion of a divine vengeance, which pursued the murderers of Cæsar, and proscribed their cause.

Octavius gained the soldiers of Lepidus, and despoiled him of the powers of the triumvirate. He

¹ In our times, nearly all those who condemned Charles I came to a tragic end. The reason was, that it is scarcely possible to do such things without raising up mortal enemies on all sides, and, consequently, without incurring an infinity of dangers.

even envied him the consolation of leading an obscure life, and forced him to assume an humble appearance in the assemblies of the people. We feel quite content in witnessing the humiliation of this man. He was the most wicked citizen of the republic, always first to commence disturbances, and incessantly forming mischievous projects in which he was obliged to associate abler men than himself. A modern author,² who has been pleased to write his eulogy, cites Anthony, who, in one of his letters, gives Lepidus the name of an honest man; but an honest man for Anthony should not be much so for others.

I believe that Octavius is the only one of all the Roman commanders who succeeded in gaining the affection of his soldiers while giving them incessant proofs of natural cowardice. At this time, however, the soldiers placed a higher estimate upon the liberality than upon the courage of their general. Perhaps it was even fortunate for Octavius that he did not possess that valor which is capable of giving empire; and it may be—inasmuch as he was less feared—that he was borne to it by this very defect in his character. It is not impossible that the qualities which dishonored him most served him best. If he had at once shown a great soul, all men would have been apprehensive of him. If he had possessed a bold spirit, he would not have

² The Abbé de Saint-Réal.

given Anthony time to ruin himself by his extravagances.

Whilst preparing for war against Octavius, Anthony bound himself by an oath to his soldiers, that within two months after he should achieve victory he would re-establish the republic; from which it is easy to see that the soldiers themselves were jealous of the liberty of their country, although they were constantly destroying it—there being nothing so blind as an army.

The battle of Actium took place; Cleopatra fled, and drew Anthony with her. It is certain that in the end she betrayed him.^a It may be that, influenced by that inconceivable spirit of coquetry which belongs to women, she had formed the design of bringing yet a third master of the world to her feet.

A woman for whom Anthony had sacrificed the world betrayed him; the numerous captains and kings whom he had either aggrandized or set up deserted him; but, as if generosity were allied to servitude, a troop of gladiators stood by him with heroic fidelity. Cover a man with benefits, and you at once inspire him with the idea of looking about for the means of preserving them; they are new interests which you have given him to defend.

That which is surprising in these wars is the fact that one battle nearly always decided the affair, and that defeats were not repaired.

^a See Dion, Book LI.

Properly speaking, the Roman soldiers were not actuated by the spirit of party. They did not fight for a certain thing, but for a certain person. They knew only their chief, who engaged them by immense expectations. But once beaten, the chief being no longer in a condition to fulfill his promises, they passed over to another side. The provinces entered into the quarrel with no more sincerity; for it imported very little to them whether the senate or the people had the upper hand. Thus it was that, as soon as one of the chiefs was beaten, they gave themselves to the other;⁴ for it was necessary that each city should take care to justify itself before the conqueror, who, having vast promises to keep with his soldiers, would sacrifice to them the most culpable communities.

We have had two sorts of civil wars in France. Those which had religion for a pretext were long ones; for the motive from which they sprung continued to exist after a victory was gained. The other class of our civil wars had, properly speaking, no motive, but were excited by the folly or the ambition of some great persons; and these were speedily terminated.

Augustus—for this is the name which flattery gave to Octavius—established order; that is to say, lasting servitude;⁵ for, when the sovereign power

⁴ No garrisons had been stationed in the cities for the purpose of holding them; the Romans had needed no other means than armies and colonies for the security of their empire.

⁵ [Most ambitious men who elevate themselves take new titles in

comes to be usurped in a free state, whatever tends to establish the unlimited authority of the usurper takes the name of order, whilst, on the other hand, whatever tends to maintain the honest liberty of his subjects is called disorder, dissension, bad government.

All those who had heretofore cherished ambitious projects had labored to throw the republic into a species of anarchy. Pompey, Crassus, and Cæsar succeeded marvelously in this. They established an impunity for every variety of public crimes. All that might have a tendency to arrest the corruption of manners, all that might aid in maintaining an efficient police, they abolished; and, as good legislators seek to render their fellow-citizens better, these labored to make them worse. They, therefore, introduced the custom of corrupting the people with money; and when an accusation for the offence was preferred, they corrupted the judges also. They caused the elections to be disturbed by all sorts of violence; and when the offenders were brought to justice, they furthermore intimidated the courts.⁶ Even the authority of the people was annihilated. Witness the proceeding of Gabinius, who, after having employed his army—in disregard of the will of

order to authorize new power. But Augustus desired to conceal new power under known names and ordinary dignities. He had himself called *emperor*, in order to preserve his authority over the legions; he had himself created *tribune*, as a means of controlling the people; and *prince of the senate*, in order to govern that body. (SAINT-EVREMOND.)]

⁶ This is very apparent in the *Letters of Cicero to Atticus*.

the people—for the purpose of re-establishing Ptolemy, coolly returned and demanded the honors of a triumph.⁷

The first men of the republic had sought to disgust the people with their own power, and to render themselves necessary by aggravating the inconveniences of republican government. But when Augustus was once master, policy induced him to labor for the re-establishment of order, to the end that the conveniences of a despotic government might be felt.

So long as Augustus was yet contending for ascendancy in the field, he feared revolts among the soldiers, and not conspiracies among the citizens. It was for this reason that he temporized with the former and was so cruel to the latter. When, however, peace was established, he feared conspiracies; and having the destiny of Cæsar constantly before his eyes, he was studious to abstain from his conduct in order to avoid his fate. This is the key to the whole life of Augustus. He attended the sittings of the senate with a cuirass under his robe; he refused the name of dictator; and, whereas Cæsar had insolently said that the republic was nothing, and that his word was law, Augustus spoke incessantly of the dignity of the senate, and of the respect which he had for the republic. He was careful, therefore, to establish a government which would be in the greatest pos-

⁷ Cæsar made war upon the Gauls, and Crassus upon the Parthians, without any deliberation of the senate or decree of the people. See Dion.

sible degree acceptable to others without interfering with his own interests; and the result was that, while the government which he organized was an aristocracy in its relation to civil affairs, it was a monarchy in its relation to the military power. This ambiguous government, not being upheld by its own proper force, could only stand during the pleasure of the monarch; and it was, consequently, completely monarchical at bottom.

The question has been raised, whether or not Augustus did in reality cherish a design of abdicating the empire. But who does not see that, if he had so desired, it was impossible that he should not have succeeded in executing his purpose? The circumstance that he asked every ten years to be relieved from the weight of government, and yet always continued to carry the burden, makes it manifest that he was only acting. It was a piece of small *finesse*, in order to have given to him anew, that which he did not believe he had sufficiently acquired. I am determined in this judgment by the entire life of Augustus; and although men are capable of being extremely capricious, yet it rarely happens that a man renounces in a moment an object upon which he has reflected during his whole life. All the acts, all the regulations of Augustus, tended visibly to the establishment of a monarchy. Sylla voluntarily laid down the dictatorship; but in the entire life of this man—even in the midst of his excesses—we see a re-

publican spirit. All his measures, although tyrannically executed, tended constantly to a certain form of republic. Sylla was an intensely passionate man; and he carried the Romans to liberty with violence. Augustus was a cunning tyrant;⁸ and he conducted them gently to servitude. Whilst under Sylla the republic regained its powers, all the world raised the cry of tyranny; whilst under Augustus tyranny fortified itself, men only spoke of liberty.

The custom of triumphs, which had contributed so much to the grandeur of Rome, was lost under Augustus; or, rather, this honor became a privilege of sovereignty.⁹ For the most part, the course which affairs took under the emperors had its origin in the regimen of the republic;¹⁰ and it is necessary to consider the one in connection with the other. He alone had the right to demand a triumph under whose auspices the war had been conducted;¹¹ but it was always conducted under the auspices of the

⁸ I here employ this word in the sense of the Greeks and Romans, who gave the name of tyrant to all who had overthrown a democratic government.

⁹ Only the triumphal ornaments were thenceforth given to generals. (Dion, in *Aug.*)

¹⁰ The Romans having changed their government without having been invaded, the same customs continued after the change; and even the form of the government remained nearly the same.

¹¹ Dion, in *Aug.*, Book LIV, says that Agrippa, influenced by modesty, neglected to render to the senate an account of his expedition against the nations of the Bosphorus, and even refused a triumph—and that after him no person of his rank triumphed; but this was a favor which Augustus desired to confer upon Agrippa, and which Anthony did not confer upon Ventidius the first time the latter vanquished the Parthians.

chief, and consequently — after the fall of the republic — under those of the emperor, who was the head of all the armies of the empire.

As, during the time of the republic the governing principle had been to carry on incessant war, under the emperors the cultivation of peace was a leading maxim of state. With armies which might set too high a price upon their services, victories were only regarded as subjects of disquietude. Those who held commands feared to undertake too great achievements. It was necessary so to moderate their own glory that it might awaken the attention without arousing the jealousy of the prince, and not to appear before him with an éclat which his eyes could not endure.

Augustus was very cautious in extending the right of Roman citizenship;¹² he made laws¹³ to prevent the emancipation of too many slaves;¹⁴ he recommended in his testament the future observance of these two maxims, and also that his successors should not seek to extend the empire by new wars.

These three parts of policy were intimately connected. From the moment that there should be no more wars there would be no further necessity for new citizens, nor for the emancipation of slaves.

Whilst Rome was engaged in a constant succession of wars, it was necessary that she should con-

¹² SÆTONIUS, in *Aug.*

¹³ SÆTONIUS, *ibid.* See *Institutes*, lib. i.

¹⁴ DION, in *Aug.*

tinually replenish her population. At the commencement of her career she appropriated a part of the inhabitants of conquered towns. In process of time, many citizens of the neighboring towns came to Rome for the purpose of participating in the right of suffrage; they established themselves in such great numbers that, upon the remonstrance of allies, the Romans were often obliged to return them; and, finally, the inhabitants of the provinces arrived in crowds. The laws favored marriages, and even rendered them necessary. In the course of her numerous wars, Rome acquired a prodigious number of slaves; and when her citizens came to be loaded with wealth, they purchased them everywhere; but, influenced by generosity, avarice, or weakness, they emancipated them in great numbers.¹⁵ Some desired to reward faithful slaves; the motive of others was to obtain, in the name of their emancipated slaves, the grain which the republic distributed to poor citizens; and others yet were influenced by the desire of having their funeral pageants followed by numerous trains of attendants bearing garlands of flowers. The people were composed almost wholly of freedmen;¹⁶ so that these masters of the world, not only in their beginning, but in the whole course of their history, were for the most part of servile origin.

When the common people—consisting as they

¹⁵ DIONYS. HAL., lib. iv.

¹⁶ See TACITUS, *Annales*, lib. xiii, ch. xxvii, *late fusum in corpus*, etc.

did all but entirely of freedmen or sons of freedmen—became inconveniently numerous, they were colonized; and by this means the fidelity of the provinces was guaranteed. There was thus a circulation of the men of all nations. Rome received them as slaves and returned them as Romans.

Under pretext of some riots which took place during the elections, Augustus placed a governor and a garrison in the city. He made the legions perpetual; he stationed them on the frontiers; he established particular funds for their pay; and he ordered that the veterans should receive their recompense in money and not in lands.¹⁷

Many bad effects had resulted from that distribution of lands which had been made since the time of Sylla. The property of citizens was rendered insecure. If the soldiers of a cohort were not located in the same place, they became disgusted with their establishment, left their allotments uncultivated, and became dangerous citizens;¹⁸ whilst, on the other hand, if the lands were distributed by legions, ambitious men could in a moment find the material for armies against the republic.

Augustus provided fixed establishments for the marine. As before his time the Romans had no

¹⁷ He provided that the prætorian soldiers should receive five thousand drachms: two thousand after sixteen years of service, and the other three thousand at the expiration of twenty years. (DION, in *Aug.*)

¹⁸ See Tacitus, *Annales*, lib. xiv, ch. xxvii, in respect to the soldiers who were taken to Tarentum and Antium.

perpetual bodies of troops for service on land, neither had they any permanent organization for service on the sea. The principal object of the fleets of Augustus was to serve as security for convoys, and to establish communication between the different parts of the empire; for in other respects the Romans were masters of the whole of the Mediterranean; this was the only sea then navigated; and they had no enemy to fear.

Dion has well remarked that after the establishment of the empire it was more difficult to write history. All became secret. All dispatches from the provinces were carried into the cabinet of the emperors; and no more was known than what the folly or the hardihood of tyrants did not care to conceal, or—what the historians conjectured.

NOTE BY THE TRANSLATOR.

THE establishment of standing military and naval bodies at the commencement of the empire, and the greatly increased material and mental intercommunication which at the same time ensued throughout the Roman world, are two phenomena of such capital importance that I shall here bestow a few remarks upon the reason of the one, and the comparative value of the other.

1. Paradoxical as the statement may at first sight appear, it may be accepted, as a general principle, that the institution of standing armies is the accompaniment of a diminished military spirit. In the early stages of the ancient societies every able-bodied man was a soldier. The profession of arms, therefore, and consequently the military spirit, was equally diffused through the whole society. Such was the normal condition of the Roman state down to the time of the emperors. With annual enlistments from the body of the people, with no establishment which answers to our idea of a standing army, the military spirit was supreme, and the career of conquest uninter-

rupted. Under Augustus—when the love of war had become a less salient feature of the Roman character—the military and naval establishments became permanent; and, in the time of the Antonines, when peace was the prevailing condition of the Roman world, the standing land force of the empire consisted of about three hundred and ninety-five thousand men.¹

A similar order of facts has been repeated in Europe since the fall of the Western Empire. From the fifth to the fifteenth century the military spirit was relatively much more dominant than it has since been; and yet, during the former period, standing armies were not, properly speaking, an institution of European society. That vast system of permanent military organizations which we now see in Europe has grown up within the last three or four centuries; and, what is especially noteworthy, it has grown up beside the still greater industrial and civil interests which characterize our modern society, and which, by virtue of this division of social functions, have been left to work with less interrupted energy. These interests of peace—in other words, these interests of the higher as opposed to the lower powers of man—are gradually acquiring a stronger hold upon the spirit of Europe; and the outlook for the future clearly indicates an ultimate and great diminution of those immense military bodies which occupy a ra-

¹ See Gibbon's *Rome*, ch. i.

tional but transitory place in the career of human development.

Roman society had traveled a long way in reaching a condition characterized by standing armies and navies, and in which, consequently, the great mass of the people were relegated to the pursuits of peace. But, when it had gone thus far, it could not take the next forward step—it could not still further release itself from the military spirit; and this, in the main, for two prominent reasons: it was too corrupt and too ignorant to preserve voluntary order; and it stood in presence of a formidable outlying force of barbarism.

European society has reached the corresponding stage; but, unlike the Roman, it gives sign of passing through it. Though old, this society is full of progressive forces. It feels the impulse of growing science and expanding culture. Its public opinion is becoming more enlightened and more vigorous. Its public life is being more and more influenced by rational motives. It is acquiring the faculty for voluntary order; it is threatened by no great external force; the fears and jealousies which exist between its independent states, and which are the chief motives for heavy armed preparation, must gradually succumb to a growing culture; and the promise, therefore, is that its enormous standing armies—themselves an indication of a half-vanquished military spirit—will finally shrink to very greatly re-

duced proportions; perhaps to the proportions of police establishments.

2. In respect to intercommunication, the ancient world may be regarded as having reached its maximum during the period which extended from the beginning of the reign of Augustus to the close of the reign of Marcus Antoninus. The sphere of intercommunication which had been opened up by the Greeks, and which culminated in the empire of Alexander and his successors, was considerably less in extent, and very much less complete in its appointments. And, when we ascend to still earlier periods, and consider the character of intercommunication that centered in Assyria, Babylonia, Phoenicia, Egypt, we find in each case that it was sensibly less expansive and important than that which was established by the Greeks. Thus, in the course of that great procession of ancient nations and civilizations which was led by the Egyptians and closed by the Romans, we detect a progressive development of intercommunication among mankind, attaining its highest result in the last.

But—standing as it did in advance of all other ancient attainments of the sort—how does Roman intercommunication compare with that of modern times? Two parallels will go a great way towards supplying an answer. Roman navigation, with its small nautical attainments, was mostly limited to one inland sea; modern navigation, with its greatly en-

larged science, art, and power, extends to all the oceans of the globe. Under the sway of Roman appliances, the Mediterranean states were brought into a circle of mutual relations; under the sway of modern appliances, all the nations of the earth have been placed in connection.

And, if we descend to intercommunication in particular states, we shall readily see that the famous stone roads of Rome, viewed as a means of transit and circulation in a great empire, are incomparably excelled by the present railway systems of Europe and the United States—especially by the latter, which, although still in a very immature stage of development, has already attained proportions so enormous as to greatly surpass any other system of intercommunication in a single nation which has heretofore had place in the world.

•And all this is to say nothing of those marvellous discoveries and inventions of our most recent times—the Electric Telegraph and the Submarine Cable, by means of whose subtle force—the practical uses of which were not so much as imagined by the ancients—human thought is transmitted with the celerity of lightning across continents and oceans.

In all that regards intercommunication respecting the material, business, and social interests of men, there is something vastly more gigantic in the reach and movement of the modern spirit; whilst, in all that regards intercommunication respecting their

higher intellectual interests, the contrast between ancient and modern times is equally striking.

Quetelet remarks that "That which above all characterizes our modern times is the substitution of associations in place of individuals, whenever the latter, in their narrow circle, have exhausted their means of action." He adds that "examples of this are numerous in all that belongs to the sphere of intelligence, and especially so in that which pertains to the study of our globe."² And he then refers to the French Academy of Sciences, and to the Royal Societies of London and Berlin, as illustrations of modern associated intelligence, working with the aid of many hands, many minds, and singleness of purpose, in all parts of the earth. Through such associations a system of intellectual circulation is established, by which the mental results of the race are speedily translated to and from every country, and by which the intellect of the world is rapidly becoming one immense organism. The table of *exchanges* of any one of the hundreds of institutions for the promotion of knowledge is exceedingly suggestive. One from the Smithsonian Institution, now before me, is a study.³ The annual contribution of intelligence comes to the institution at Washington from all parts of the globe. Every country of Europe is liberally represented, with Germany at the head, which alone sends the contributions of five hundred and seventy-three institu-

² *Système Sociale*, Paris, 1848, p. 229. ³ *Smithsonian Report*, 1871, p. 19.

tions. South America is represented by thirty-three; British America by twenty-seven; Asia by thirty-six; Turkey by eleven; Africa by eighteen; Australia by twenty-six; New Zealand by eleven; the West Indies by eleven; Mexico by eight; Central America by one; Polynesia by one; and even from the snows of Iceland come the contributions of two institutions to take their place along with those from Melbourne, Calcutta, and the Cape of Good Hope. Thus, the modern world may be regarded as dotted over with nuclei of intelligence, the number of which is constantly increasing, and all of which maintain a growing sympathy and communication with each other—somewhat like the ganglia of a vast nervous system which is developing into a completer individuality.

All the ancient representatives of this aspect of modern civilization were very decidedly inferior. The best ones are seen in the schools of Greece, in the Museum of Alexandria, and in that informal college of poets and literary men which flourished at Rome under the patronage of Augustus and the favor of Mæcenas. But the spheres of associated intelligence which centered in Athens, Alexandria, and Rome—great as they were for ancient times—must be regarded as very limited in extent, and inchoate in character, when compared with those which radiate from London, Paris, and Berlin—especially when we keep in view that mental network of which I have spoken, and through which all coun-

tries are brought into relation with these, as yet, principal intellectual centers of the modern world.

In studying the phenomena of history, we can never fully master their meaning by looking directly at them. It is only when put in comparison with the similar phenomena which have preceded and followed, that their just place and value become apparent. Viewed in this way, it is seen on the one hand that the age of Augustus marks the opening of a period of about two centuries, during which the civilization of the ancient world, dominated by Rome, made its nearest approach to the cosmopolitan character; whilst it is equally seen on the other hand that this character is very much more completely realized by the civilization of modern times.

CHAPTER XIV.

TIBERIUS.

As we see a river slowly and silently undermining the dikes which confine it, until at length it bursts through them in a moment and floods the country which they have protected—so the sovereign power, which had acted insensibly under Augustus, overflowed with violence under Tiberius.

There was a *law of Majesty*—for the punishment of offences against the Roman people. Tiberius seized upon this law, and applied it, not to the class of cases for which it had been made, but to all those in which it might be used as an instrument of his hate or his suspicions. It was not actions only that were brought within the scope of this law, but words, signs, and even thoughts; for the things that are said in those outpourings of the heart which take place between two friends can only be regarded as thoughts. There was consequently no longer any freedom at entertainments, confidence among relations, or fidelity among slaves. The dissimulation and gloom of the prince communicated them-

selves everywhere. Friendship was looked upon as a stumbling-block; frankness passed for imprudence; and virtue was regarded as an affectation which might recall the happiness of other times.¹

There is no tyranny more cruel than that which is perpetrated under color of the laws and in the name of justice—when, so to speak, one is drawn down and drowned by means of the very plank which should have borne him up and saved his life.

¹ [The *Réflexions sur les divers génies du peuple romain*, although very inferior to the work of Montesquieu, are not, however, without interest. We have had occasion to appreciate these *Réflexions* in some citations which we have already made. We will here add a picture of the tyranny of Tiberius, persuaded that our readers will excuse us for this further recurrence to the same writer.

“Till now,” says Saint-Evremond, “we have looked upon crimes which were inspired by the jealousy of a false polity; at present we witness open cruelty and avowed tyranny. Not content with abandoning good maxims, the most salutary laws were abolished; and, in their stead, an infinity of new ones were made, which looked apparently to the safety of the emperor, but, in reality, to the ruin of the virtuous men who remained in Rome. Every offence amounted to the crime of *treason*. Heretofore real conspiracies were punished; now men were punished for an innocent word maliciously interpreted. Complaints intrusted to the unhappy for the purpose of consoling them in their misery; tears—those natural expressions of grief; sighs—which escape the heart despite itself; simple looks—became destructive. Unaffected simplicity of speech evinced wicked designs; the discretion of silence concealed bad intentions. Joy was regarded as indicating a hope which looked to the death of the prince; sadness as implying chagrin at his prosperity, or weariness of his life. If, in the midst of these dangers, the peril in which men lived led them to show some signs of fear, this was taken as evidence of an alarmed conscience, which, betraying itself, discovered what they were about to do, or what they had already done. If a man had the reputation of possessing courage or firmness of character, he was feared as a daring person, capable of undertaking anything. To speak, to be silent, to rejoice, to be afflicted, to fear or to hope—all was criminal, and all merited the last punishment.” (Ch. xvii.)]

And, as it has never happened that a tyrant has lacked instruments for the execution of his tyranny, Tiberius never failed to find judges who were ready to condemn all whom he might suspect. During the time of the republic the senate did not as a body adjudicate the affairs of individuals, but, upon information through a delegation of the people, it took cognizance of crimes which were imputed to the allies. Tiberius in like manner referred to this body the adjudication of all that he called the crime of *treason* against himself. The senate fell into a state of degradation which cannot be expressed. Senators led the advance in the downward march of servitude. Under the patronage of Sejanus the most illustrious among them carried on the trade of informer.²

It appears to me that I see many causes for that spirit of servility which now reigned in the senate.

² Probably no better illustration can be given of the debasement of the senatorial character during the time of Tiberius than that which is supplied by the conduct of several senators in connection with the conspiracy against Titius Sabinus. With a view of becoming witnesses to the words of the latter, and acting in concert with a confederate, these senators secreted themselves in an ignoble manner, and thus awaited the arrival of their victim and his pretended friend. As Tacitus narrates the incident: "Into the space between the roof and the ceiling, a concealment as vile as the treachery was execrable, three senators stowed themselves, and applied their ears to the chasms and crannies. . . . The accusation was forthwith dispatched; and in a written memorial to Tiberius, these senators opened the order of the fraud, and became narrators of their own infamy." (Tacitus, *Annales*, Oxford Trans. Revised, New York, 1869, Book IV, 68, 69.) Senator, conspirator, eavesdropper, and informer, are certainly a strange medley to find united in the same person.—TRANSLATOR.

After Cæsar had vanquished the party of the republic, both the friends and the enemies which he had in the senate concurred equally in removing all the limitations which the laws interposed against his power, and in conferring excessive honors upon him. The former sought to please him, the latter to render him odious. Dion tells us that some went so far as to propose that he should be permitted to have access to all women at his pleasure. The result of this obsequiousness was that Cæsar had no suspicion of the senate, and that he came to be assassinated in its presence; and a further result was, that in the succeeding reigns there was no excess of flattery which was without precedent, and which might revolt the minds of men.

Before Rome came to be governed by a single ruler, the wealth of the principal Romans was immense—whatever may have been the means which they had employed for its acquisition. Under the emperors, this wealth was nearly all taken away. Senators no longer retained those great clients by whom they had formerly been loaded with contributions.³ In the provinces, little could be taken except

³ The relation of patronage on the part of the Roman patricians extended not alone to individuals, but even to cities and to countries. "In after times, even cities and whole nations were under the protection of illustrious Roman families; as the Sicilians under the patronage of the Marcelli; Cyprus and Cappadocia under that of Cato; the Allobroges under the patronage of the Fabii; the Bononienses, of the Antonii; Lacedæmon, of the Claudii. Thus the people of Puteoli chose Cassius and the Bruti for their patrons; Capua chose Cicero. This, however, seems to

for Cæsar, especially after the imperial procurators came to be established therein—a class of officers who were nearly the same as our present intendants. Meanwhile, although the sources of wealth were cut off, the expenses of living continued. The course of life was established, and it could no longer be supported except through the favor of the emperor.

Augustus had taken from the people the power of making laws, and the right of judging public crimes; but he had left to them, or at least had seemed to leave to them, the right of electing the magistrates. But Tiberius, who feared such numerous assemblies of the people, took from them this privilege of election also, and turned it over to the senate—that is to say, to himself.⁴

It is all but incredible to what an extent this decay of the power of the people debased the spirit of the great men of the state. Whilst the people had the disposal of the public dignities, the magistrates who canvassed for them descended, it is true, to many base practices; but such practices were associated with a certain magnificence which served to

have taken place also at an early period.” (Adam’s *Rom. Ant.*, Phila., 1872, pp. 20, 21.)

Thus we can all the more readily see that the “great clients” of whom Montesquieu speaks might well be a source of prodigious wealth to the Roman aristocracy. Nor can we fail to recognize the striking imperfection of a system of government and a state of society in which not only individuals, but entire nations, were under the necessity of placating the governing power by interesting the cupidity of the few great families by which it was mostly exercised.—TRANSLATOR.

⁴ Tacitus, *Annales*, lib. i, ch. xv; Dion, lib. liv.

conceal them—whether by the way of entertaining the people with plays and banquets, or by the distribution of money or grain. Although the motive may have been low, yet there was something noble in the means; for it is always becoming in a great man to obtain the favor of the people by liberalities.⁵ But when the people no longer had anything to give, and when the emperor, in the name of the senate, disposed of all public employments, office was sought and obtained by shameful instrumentalities. Flattery, infamy, crime itself, became the arts which were necessary for its attainment.

It does not appear, however, that Tiberius desired to debase the senate. There was nothing of which he complained so much as of the tendency of this body towards servility. His life is full of expressions of disgust on the subject. But, like most other men, he desired contradictory things. His general policy was not in harmony with his particular passions. He desired a free senate, capable of making his government respectable; but he wanted at the same time a senate which was ready at every moment to respond to his fears, his jealousies, his hates. In short, the statesman constantly succumbed to the man.

⁵ Montesquieu is here scarcely on a level with himself. It is “becoming in a great man” to obtain—as he certainly deserves—the favor of the people by his sympathy with their wants and his fidelity to their rights, and not by the vulgar appliance of a species of “liberality” which ceases to be such from its motive, and of which the greatest demagogue is apt to be the greatest master.—TRANSLATOR.

We have seen that the people had formerly obtained from the patricians the concession of magistrates of their own body, who defended them against the insults and the injustice which might be offered them. In order that these magistrates might be placed in a condition to exercise their power, they were declared to be sacred and inviolable; and it was provided that whoever should maltreat a tribune, whether by act or word, might be immediately punished with death. Now, the emperors—being invested with the powers of the tribunate—obtained also the privileges of that office; and it was upon this ground that so many people were destroyed, that informers were enabled to carry on their trade at their pleasure, and that the accusation of treason—the crime, as Pliny says, of those against whom no crime could be imputed—was extended to whatever was desired.⁶

I believe, however, that some of these causes of

⁶ The remark of Pliny the Younger, here referred to, occurs in his Panegyric on Trajan, sec. 42: *Locupletabant et fiscum et aerarium non tam Voconiae et Juliae leges, quam majestatas singulare et unicum crimen eorum qui crimine vacarent*—"The privy purse of the emperor and the public treasury were not so much enriched by the Voconian and Julian laws as by the charge of treason—the sole crime of those who were without crime."

Nothing can give a darker idea of that species of tyranny which, while affecting to observe the law, punishes for offences unknown to the law, than the fate which befell the adherents of Sejanus, long the chief minister of Tiberius. Some time after the fall of this favorite, the emperor, according to Tacitus, "ordered all who were in prison under accusation of attachment to Sejanus to be put to death." Then follows the sententious and terrible description of the scene of slaughter: "There lay the countless mass of slain—of every sex and age—the illustrious

accusation were not as ridiculous as they appear to us at the present day. I cannot think that Tiberius would have had a man accused for having sold a statue of the emperor along with his house; that Domitian would have had a woman condemned to death for having undressed herself before his image, and a citizen because he had a representation of the earth painted upon the walls of his chamber—if these acts had only awakened in the minds of the Romans the same ideas which they present to us. I believe that the explanation of such proceedings is in part due to the fact that, Rome having changed her form of government, things which appear to us to have been of no consequence whatever might then have had some significance; and I judge of these instances in the light of what we now see in the case of a nation which cannot be suspected of tyranny, but which prohibits the act of drinking to the health of a certain person.⁷

I may pass nothing unnoticed which will help to

and the mean; some dispersed, others collected in heaps; nor was it permitted to their friends or kindred to be present, or to shed a tear over them, or any longer even to go and see them; but guards were placed around, who marked signs of sorrow in each, and attended the putrid bodies till they were dragged to the Tiber, where, floating in the stream, or driven upon the banks, none dared to burn them, none to touch them." (Tacitus, *Annals*, Oxford Trans. Revised, N. Y., 1869, Book VI, 19.)—TRANSLATOR.

⁷ I suppose reference is here made to the English nation, and to the unfortunate son of James II, commonly known as the *Pretender*, who was a contemporary of Montesquieu. (Compare Gibbon's *Hist. Decl. and Fall*, ch. xxii, note 68.)—TRANSLATOR.

make known the genius of the Roman people. They were so completely accustomed to obey, and to place all their happiness in the deference which they felt for their masters, that, after the death of Germanicus, they gave way to expressions of grief, regret, and despair, which are no longer seen among us.⁸ It is necessary to read the accounts of the public desolation which the historians have left⁹—it was so great, so long continued, and so immoderate; and this exhibition of feeling was no play, for the entire body of the people never indulges in affectation, flattery, or dissimulation. The Roman people—who took no further part in the government, who were composed almost wholly of freedmen or of persons without industry, living at the expense of the public treasury—had a deep sense of their powerless condition. They grieved as women and children who are made desolate by the feeling of their own weakness. Their estate was ill; they had placed their fears and their hopes in the person of Germanicus; and, that object being taken from them, they were overwhelmed with despair.

There is no class of people who have so great a dread of misfortunes as those who should be reassured by the wretchedness of their condition, and who ought to say with Andromacha—*would to God that I could fear!* There are at the present day

⁸ See my *Note* at the end of this chapter.—TRANSLATOR.

⁹ See Tacitus.

fifty thousand men at Naples who live upon nothing but herbs, and who have for their entire store of wealth a half garment of linen. These people—the most unhappy of the earth—are seized with an alarming faintness at the sight of the least smoke from Vesuvius. They have the folly to fear that they will become unhappy !

NOTE BY THE TRANSLATOR.

THE interesting idea which Montesquieu presents in the foregoing chapter, by the suggestion that the emotional excitation of the Romans on the occasion of the death of Germanicus, is without parallel in modern societies, will admit of some further reflections.

Other causes not interfering, it is doubtless true that the more dependent men are in their condition, and the more like children they are in their intelligence, the more extravagantly will their emotional nature display itself; and it seems probable that a general distinction might be traced in this respect between the peoples of ancient and those of modern times. It would appear that some such distinction ought to be one of the results of the greater mental development, and consequently greater sense of self-resource, which we find diffused among the masses of men in our present societies.

Still, the question as to such a difference is a highly complicated one—affected by considerations of race, local institutions, customs, the particular degree of

national culture, and the special hardening influence which a low social state tends to exert upon some of the emotions. The typical American Indian, for instance, combined a puerile intelligence with, in some respects, the emotional restraint of a Grecian stoic—the one having attained his self-control through the repressing discipline of savage life, the other through sublime speculations upon the grandeur of the soul and the superiority of supersensuous to sensuous things; and it is certain that the causes which thus influenced the American savage were considerably more active in ancient than they have been in modern times.

On the whole, however, it is very likely that the superior mental development which has place in our modern societies has imparted a somewhat more chastened tone to those great outbursts of popular feeling—scattered here and there through the history of all nations—commonly taking their rise in the attachment of the people to some one person whom they regard as children regard a father—and some of which, as depicted by historians, are exceedingly touching.

Nevertheless—in apparent deviation from the idea of Montesquieu—particular instances of popular emotional excitement in modern times may be pointed out, which appear to be completely on a level with the one cited by him in connection with the death of Germanicus. Such, for example, was the exhibition

of feeling which took place among his own countrymen in connection with an incident which occurred during his lifetime, and only a few years after the publication of his *Considerations*. I allude to the agitation and distress of the French people upon being informed of the dangerous illness of Louis XV, at Metz, in August, 1745. I translate from Voltaire:

“This event carried fear and desolation from city to city. The people ran in from all the environs of Metz. The roads were filled with men of every condition and of all ages, who, by their conflicting reports, increased their common inquietude. The danger of the king became known at Paris in the night-time. The people rose and ran forth tumultuously, without knowing whither they went. The churches were opened in the depth of the night. Men took no further thought of the time for sleeping, or for waking, or for repasts. Paris was beside itself. All the houses of men in place were besieged by continual crowds. Men assembled at all the corners of the streets. The people exclaimed: ‘If he dies, it will be for having marched to our assistance.’ Everybody was approached, and people interrogated each other in the churches without being acquainted. There were many churches in which the priests, who pronounced the prayer for the health of the king, interrupted the chant with their tears; and the people responded to them with their cries. The courier who on the 19th brought to Paris the news of the

king's convalescence was embraced and almost suffocated by the people. They kissed his horse; they led him in triumph; and all the streets rang with the cry of joy: 'The king has recovered.' When the monarch was told of these unheard-of transports of joy, which had succeeded those of desolation, he was melted to tears; and, rousing himself by a movement of sensibility which restored his composure, 'Ah!' said he, 'how sweet it is to be thus loved! and what have I done to merit it?' Such are the French people—emotional to enthusiasm, and capable of every excess in their affections as in their discontents."¹

It must be confessed that the general spirit of this scene—although happening in the eighteenth century—vividly recalls the lamentation of the Romans for Germanicus; whilst in some of the details—such as hurrying in the night-time to the churches on the one occasion and to the temples on the other²—there is complete identity. The key to the phenomenon is the same in both cases: a great family of children is afflicted on account of the real or apprehended loss of one to whom it looks as to a father, and without whom it feels that its hope and its stay is gone.

The scene which was witnessed in the United States when the mind of the nation was startled by

¹ *Precis du Siècle de Louis XV*, ch. 12.

² See Tacitus, *Annals*, Book II, ch. 82.

the announcement of the assassination of Lincoln, is a better illustration of the modern spirit. The great, simple-hearted President was, indeed, very dear to the people; but their grief was unmixed with any feeling of their own weakness and dependence: it was less self-regarding, and consequently more self-contained.

CHAPTER XV.

THE EMPERORS FROM CALIGULA TO ANTONINUS.

CALIGULA succeeded Tiberius. It was said of him that there was never a better slave nor a worse master. These two characters are closely enough related; for that same disposition of mind which causes a man to be vividly impressed with the unlimited power of him who commands will cause him to place no less estimate upon authority when he himself comes to command.

Caligula re-established the comitia,¹ which Tiberius had taken away from the people; and he abolished that arbitrary crime of treason which his predecessor had established: from which we may judge that the beginning of the reign of bad princes is often like the end of the reign of good ones; for, influenced by a spirit of contradiction to reverse the action of those who have preceded them, they may do from a perverse disposition what others do from principle. It is to this spirit of contradiction that we are indebted for many good laws as well as bad ones.

¹ He abolished them afterwards.

What, however, was gained? Caligula had abolished the accusations, the charges of treason; but he caused all who displeased him to perish by the military power. And it was not only some particular senators who were obnoxious to him: he held the sword suspended over the senate itself, and threatened to exterminate the entire body.

The amazing tyranny of the Roman emperors was an outgrowth from the general spirit of the Roman people. As the latter fell suddenly under the power of an arbitrary government, and as there was scarcely any interval between their state of mastery and their state of servitude, they were not prepared for the change by an amelioration of manners. The ferocious temper remained. Roman citizens were treated as they themselves had treated their conquered enemies; and they were governed on the same plan. Sylla entering into Rome was no other person than Sylla entering into Athens: he exercised the same rights of war on both occasions. In the case of nations which have insensibly lost their liberties, when laws fail them, they are still governed by manners.

The constant sight of gladiatorial combats had the effect of rendering the Romans extremely ferocious.² It was remarked that Claudius became more inclined to the shedding of blood upon seeing these spectacles. The example of this emperor, who was

² See my *Note* at the end of this chapter.—TRANSLATOR.

naturally of a mild disposition, and who nevertheless committed so many cruelties, enables us to see how different was the education of his time from that of ours.³

Accustomed to sport with human nature in the persons of their children and their slaves, the Romans could know but little of that virtue which we call humanity.⁴ Whence comes that ferocity which we observe among the inhabitants of our colonies, except from the constant habit of inflicting chastisements upon an unfortunate portion of our race? When cruelty is organized in the institutions of a state, what can we expect from the natural kindness and justice of men?

In reading the history of the Roman emperors, we are wearied with the vast number of people whom they caused to be put to death in order that they might confiscate their estates. We find nothing similar in our modern histories. This difference, as we have just intimated, ought to be attributed to manners which are more gentle, and to a religion which is more restraining; and it may be added that we have not the families of senators to despoil who had ravaged the earth. From the mediocrity of our fortunes we draw the advantage that they are more se-

³ See *idem.*—TRANSLATOR.

⁴ See the Roman laws on the power of fathers over their children, and that of masters over their slaves. (*a*)

(*a*) For some notice of these laws, see my *Note* at the end of chapter x, and *idem* at the end of chapter xx. The power extended to life and death in both cases.—TRANSLATOR.

cure, and we set no value upon the apprehension that our estates will be ravished from us.⁵

The people of Rome—those who were called *plebs*—did not hate the most wicked of the emperors. After they had lost their power, and when they ceased to be occupied with war, they became the vilest of all peoples. They regarded commerce and the arts as proper occupations for slaves only, and the distributions of grain which they received caused them to neglect the cultivation of lands. They were accustomed to plays and spectacles, and, when they no longer had tribunes to listen to, nor magistrates to elect, these vain things became necessities, and their idleness increased their taste for them. Nero, Caligula, Commodus, Caracalla, were regretted by the people because of the very follies in which they indulged; for these emperors loved with fervor that which the people loved; they contributed to their pleasures with all their power, and even with their persons; they lavished upon them the wealth of the empire; and, when this was exhausted, the people looked on without pain whilst all the great families were despoiled. They enjoyed the fruits of the tyranny without any alloy of fear, for they found safety in their baseness. It was natural that such emperors should hate good men. They knew that they were

⁵ The duke of Braganza had immense estates in Portugal; when he revolted, the king of Spain was congratulated upon the rich confiscation which he was about to realize.

not approved by them.⁶ Indignant at the contradiction or the silence of an austere citizen, and drunk with the applause of the populace, they came to imagine that their government constituted the public happiness, and that none but evil-minded men could censure it.⁷

Caligula was a true sophist in his cruelty. As he was descended equally from Anthony and Augustus, he said he would punish the consuls if they celebrated the day of rejoicing which had been set apart in memory of the victory of Actium, and that he would punish them if they did not celebrate it; and, Drusilla—to whom he had accorded divine honors—having died, it was a crime to weep, for the reason that she was a goddess, and it was a crime not to weep, for the reason that she was his sister.

⁶ The Greeks had games in which men contended decently and conquered gloriously. The Romans had little else but spectacles; and that of the infamous gladiatorial combat was peculiar to them. Roman gravity did not permit a great personage to descend into the arena or mount upon the stage. How, indeed, could a senator think of doing so—he to whom the laws forbade the contracting of any alliance with those who had been tarnished by the disgusts, or even by the plaudits, of the people? Yet, Roman emperors appeared upon the arena and the stage; and this folly, which showed the greatest derangement of heart—a contempt for the comely, the decent, and the fit—is always associated by the historians with a character for tyranny.

⁷ In seeking an explanation for that good understanding which existed between the populace and the worst of the emperors, I think we shall find it, not only in the causes mentioned in the text, but in the fundamental fact that *the empire itself was but the permanent triumph of the popular over the patrician faction*. This fact was one of the traditions of the people, and hence they regarded the successors of Cæsar rather in the light of popular chiefs.—TRANSLATOR.

Here we may fitly indulge a reflection upon the course of human affairs. When in the past history of Rome we see so many wars undertaken, so much bloodshed, so many peoples destroyed, so many great actions, so many triumphs, so much policy, wisdom, prudence, constancy, and courage; when we contemplate that scheme for the conquest of all nations, which was so well conceived, so ably sustained and so successfully executed—in what has it all ended at last, except to satiate the passions of five or six monsters? That senate has only struck down so many kings in order to fall itself into the most degrading slavery at the hands of some of the worst citizens of the state, and—to exterminate itself by its own decrees! Men only build up their power to the end of seeing it completely overthrown! they only labor to increase it in order to see it turned against themselves in more fortunate hands!

Caligula having been killed, the senate assembled with the view of establishing a form of government. While they were yet deliberating, some soldiers entered the palace for the purpose of pillaging. In an obscure part of the building they came upon a man trembling from fear. This was Claudius. They saluted him as emperor.

In conferring upon his officers the right to exercise judicial powers, Claudius completed the ruin of the ancient orders.⁸ The wars between Marius and

⁸ Augustus had established procurators, but they had no judicial

Sylla had turned principally upon the question as to who possessed this right—the senators or the equestrians.⁹ The fancy of an imbecile took it away from the one and the other—strange issue of a dispute which had put the world in combustion!

There is no authority more absolute than that of a prince who succeeds a republic; for he finds himself in possession of all the powers of a people who had not been capable of imposing limitations upon themselves. Thus, at the present day, we see the kings of Denmark exercising a power which is more arbitrary than any other in Europe.

The people were no less debased than the senate and the equestrians. We have seen that they had been so warlike down to the time of the emperors that the armies which were levied in the city were disciplined immediately and marched directly to the enemy. During the civil wars of Vitellius and Vespasian, Rome became a prey to the ambitious men of all parties; and, full of timid citizens, she trembled before the first band of soldiers that might approach her walls.

The condition of the emperors was no better. As there was no particular army which had the power; and when they were not obeyed, it was necessary that they should recur to the authority of the governor of the province, or to the prætor. But, under Claudius, these officers had ordinary jurisdiction, as lieutenants of the province; and, in addition to this, they had jurisdiction of fiscal affairs—that which placed the fortunes of all men in their hands.

⁹ See Tacitus, *Annales*, lib. xii, ch. liv.

right or possessed the boldness to elect them, it was enough that some one should be proclaimed by any army to become disagreeable to the others—who at once gave him the appellation of competitor.

Thus, as the magnitude of the republic was fatal to republican government, the magnitude of the empire was fatal to the lives of the emperors.¹⁰ If they had only had a moderate-sized country to defend, they would have had only one principal army; and this, having once elected an emperor, would have respected the work of its own hands.

The soldiers had been attached to the family of Cæsar, which was the guarantee of all the advantages which they had received from the revolution. The time came when all the great families of Rome had been exterminated by that of Cæsar, and when the family of Cæsar itself perished in the person of Nero. The civil power, which had been incessantly beaten down, found itself incapable of counterbalancing the military: each army desired to create an emperor.

We will here take a comparative view of different epochs. When Tiberius began his reign, what support did he not draw from the senate? Learning that the armies of Illyria and Germany had revolted, he acceded to some of their demands, but maintained that it was the province of the senate to judge of the others;¹¹ and the deputies whom he sent to

¹⁰ See my *Note* at the end of chapter xvi.—TRANSLATOR.

¹¹ *Cætera senatui servanda.* (Tacitus, *Annales*, lib. i, ch. xxv.)

the insurgents were members of that body. Those who had ceased to fear their power might yet respect their authority; and, when it was represented to the soldiers that in a Roman army the children of the emperor and the deputies of the Roman senate ran the risk of their lives,¹² they repented of their disobedience, and went so far as to inflict punishment upon themselves.¹³ But, when the senate came to be completely prostrated, its example touched no one. In vain did Otho harangue his soldiers in order to induce them to speak of the dignity of that body.¹⁴ In vain did Vitellius send a deputation of principal senators to make his peace with Vespasian.¹⁵ Men do not in a moment give back to the orders of a state that respect which they have so long lost. The armies of Vespasian only regarded these deputies as the most cowardly slaves of a master whom they had already chastised.

It was an ancient custom of the Romans that he who enjoyed the honors of a triumph should distribute some denarii to each soldier: it was a small affair.¹⁶ During the civil wars, these donatives were increased.¹⁷ They had previously consisted of money

¹² See the harangue of Germanicus. (*Ibid.*, ch. xlii.)

¹³ *Gaudebat cædibus miles, quasi semet absolveret.* (*Ibid.*, ch. xlv.)
The extorted privileges were afterwards revoked. (*Ibid.*)

¹⁴ TACITUS, *History*, Book I, ch. lxxxiv. ¹⁵ *Ibid.*, Book III, ch. lxxx.

¹⁶ See in Livy the sums distributed on the occasions of divers triumphs. The spirit of the generals was to put much money into the public treasury, and to give little of it to the soldiers.

¹⁷ At a time when the magnitude of the conquests had caused an in-

which had been taken from the enemy; but during these unhappy times the money of citizens was taken for the purpose, the soldiers desiring a share where there was no booty. Formerly, these distributions had only taken place at the conclusion of a war; Nero made them in time of peace. The soldiers became accustomed to such gifts; and they were enraged against Galba, who had the courage to tell them that he knew how to choose, but not to purchase them.

The reigns of Galba, Otho,¹⁸ and Vitellius were transient. Vespasian was elected, as they had been, by the soldiers. He devoted himself during the whole course of his reign to the re-establishment of the empire, which had been ruled by six tyrants equally cruel, nearly all furious, often imbecile, and—for climax of misfortune—prodigal to madness.

Titus, who succeeded Vespasian, was the delight of the Roman people.

In Domitian we meet a new monster, more cruel, or at least more implacable, than those who had preceded him, for the reason that he was more timid. His favorite freedmen, and, as some say, his wife, seeing that he was as dangerous in his attachments as in his enmities, and that he imposed no limits

crease of these liberalities, Paulus Emilius only distributed one hundred denarii to each soldier; but Cæsar gave two thousand; and his example was followed by Anthony and Octavius, by Brutus and Cassius. See Dion and Appian.

¹⁸ *Suscepere duo manipulares imperium populi romani transferendum et transtulerunt.* (Tacitus, *History*, lib. i, ch. xxv.)

either upon his suspicions or his accusations, made way with him. Before striking the fatal blow they looked about for a successor, and chose Nerva, a venerable old man.

Nerva adopted Trajan, the most accomplished prince of whom history had ever spoken. It was a blessing to be born in his reign, which was the happiest and most glorious that the Roman people had experienced. He was a great statesman and a great soldier. He possessed a heart which determined him to good ends, and an intellect which disclosed to him the best means for their attainment. He was endowed with a noble, grand, and beautiful soul. He united all the virtues without being extreme in any. He was, in short, a man most admirably adapted to reflect honor upon human nature, and to represent the divine.¹⁹

Trajan executed the project of Cæsar: he con-

¹⁹ Fine as this portraiture is, I prefer the tone of Gibbon in relation to the same great emperor: "Trajan was ambitious of fame; and, as long as mankind shall continue to bestow more liberal applause on their destroyers than on their benefactors, the thirst of military glory will ever be the vice of the most exalted characters. The praises of Alexander, transmitted by a succession of poets and historians, had kindled a dangerous emulation in the mind of Trajan. Like him, the Roman emperor undertook an expedition against the nations of the East; but he lamented, with a sigh, that his advanced age scarcely left him any hopes of equaling the renown of the son of Philip." (Gibbon's *Rome*, ch. i.) If the higher sort of greatness is characterized by being superior to the ignorant opinion of the multitude, and for rising above the common objects of a vulgar ambition, then the fame of the two Antonines rests upon a better foundation, and is more worthy of enlightened approval, than that of Cæsar and Trajan—a kind of opinion which gains ground in proportion as culture increases among men.—TRANSLATOR.

ducted a successful war against the Parthians. All others had succumbed in the prosecution of an enterprise in which danger was constantly present and succor at a distance—an enterprise in which it was absolutely necessary to conquer, and in which there was no assurance that the invader would not perish after having conquered.

The difficulty consisted in the situations of the two empires, and in the different methods of warfare which were practiced by the two peoples.

Taking the Arminian road—towards the sources of the Tigris and the Euphrates—a mountainous and difficult country was met with, over which supplies could not be transported, so that an army was half ruined before it arrived in Media.²⁰ If it penetrated by a more southern route, and passed by the way of Nisibis, it encountered the frightful desert that separated the two empires. If it advanced by a route lying still further south, and proceeded through Mesopotamia, it was compelled to traverse a country which was partly uncultivated and partly submerged; and, the Tigris and the Euphrates flowing from the north to the south, an army could not advance far to the east without receding from these rivers, and neither could it leave them any great distance in its rear without perishing.²¹

²⁰ The country did not furnish enough of large trees to make machines for besieging purposes. (PLUTARCH, *Life of Anthony*.)

²¹ Malte-Brun gives an animated description of those inhospitable wastes which separated the Parthians from the Romans: "The desert of

As to their relative methods of making war, the force of the Romans consisted in an infantry which was the firmest, strongest, and best disciplined in the world; whilst, on the other hand, the Parthians had no infantry, but an admirable cavalry. They fought at a distance, and beyond the range of the Roman arms. The javelin could rarely reach them. Their arms consisted of formidable bows and arrows. They rather besieged than attacked an army. It was useless to pursue them, for with them to fly was to fight. They caused their people to retire as an enemy approached, and only left garrisons in strong places, which, when captured, it was necessary to destroy. They skilfully burnt all the country around an invading army, not even leaving the grass to the enemy. In short, they made war in much the same

Mesopotamia, in all its gloomy uniformity, now meets our view. Saline plants cover detached spots at great distances, in the burning sands or the parched selenite. Here the wormwood, like the heath in Europe, takes possession of immense spaces, to the exclusion of every other plant. . . . This desert is a continuation of the great desert of Arabia, giving a specimen of its horrors beyond the Euphrates. The air, like that of Arabia, is generally pure and dry. In the bare plains of sand it sometimes becomes burning. The miasmata arising from stagnant waters are diffused in it, and its pestilential qualities are aggravated by exhalations from salt putrescent lakes. It is this element, set in motion by some want of equilibrium in the atmosphere, that has been supposed to create that fatal wind known by the name of the samoom or samiel, which is less dreaded in the middle of Arabia than on its borders, and chiefly in Syria and Mesopotamia. When this dreadful wind arises, the sun seems covered with blood, from the dust which is raised to an immense height in the atmosphere; animals in consternation lay themselves flat on the ground to escape its terrifying force, which suffocates any living being rash enough to expose itself." (*Universal Geography*, Phila., 1827, vol. i, p. 342.)—TRANSLATOR.

manner as that which we still see carried on at the present time in the same country.

Moreover, the legions of Illyria and Germany, which were employed in this war, were not adapted to the service.²² Accustomed to hearty living in their own country, nearly all the soldiers of these legions perished.

Thus the Parthians achieved that which no other nation had been able to make good—immunity from the Roman yoke—not, however, as being invincible, but as being inaccessible.

Hadrian abandoned the conquests of Trajan,²³ and limited the empire to the Euphrates; and it is an admirable reflection that the Romans, after so many wars, did not lose that which they voluntarily abandoned, but that their empire was like that of the sea, which is none the less extended when it retires of itself.

The conduct of Hadrian caused much murmuring. It was recorded in the sacred books of the Romans, that when Tarquin was about to build the capitol, he found that the most proper site was already occupied by the statues of many gods. Through his knowledge of augury he inquired whether or not they would give up their places to Jupiter. All consented to do so except Mars, Juventas, and the god Terminus.²⁴ This gave rise to three religious opin-

²² See Herodian, *Life of Alexander*.

²³ See Eutropius. Dacia was not abandoned until the time of Aurelian.

²⁴ Saint Augustine, *The City of God*, Book IV, chs. xxiii and xxix.

ions: that the people of Mars would never surrender the place which they occupied; that the Roman youth would never be overcome; and that the Roman god Terminus would never retrace his steps. This last, however, took place under Hadrian.

NOTE BY THE TRANSLATOR.

I. THE Roman empire, at the period of its maximum expansion, under Trajan, extended considerably more than three thousand miles east and west, and, in its greatest breadth, something more than two thousand north and south. Its total area was about six million square miles, including the basins of the Mediterranean and Euxine seas. Reaching, as it did—even after the abandonment of the conquests of Trajan—from the western shores of Spain and the British Islands to the Euphrates, and from the 24th to the 56th parallel of north latitude, it embraced a very great diversity of climates—African, Asiatic, and European.

Over this ample and varied area—thus extending from the torrid deserts of Africa and Arabia to the frosts of middle Europe and the northern shores of the Euxine—there was distributed a great variety of peoples, which, before being subjected to the Roman sway, had been divided into hundreds of different states.

The lines of communication which the Romans

established throughout this immense empire were utterly unequalled in all antiquity, and are only surpassed by our modern railway system. The analogous works of Persia, Assyria, Egypt, Greece, and Carthage were small affairs when compared with those of Rome.¹ Following the authority of different ancient writers, of whom he distrusts that of Josephus only, Gibbon enumerates no less than three thousand five hundred and fifty-seven cities within the limits of Italy, Gaul, Spain, Africa, and Asia proper; and he adds: "All these cities were connected with each other, and with the capital, by public highways, which, issuing from the Forum of Rome, traversed Italy, pervaded the provinces, and were terminated only by the frontiers of the empire." The city of Rome being the center upon which this great system of roads converged, hence arose the saying that "all roads lead to Rome." Thence they penetrated to the Rhine, to the Euphrates, and beyond the Danube. The line of communication from the Straits of Gibraltar to the Euphrates was not less than three thousand miles; and that from the wall of Antoninus to Jerusalem—including two slight interruptions for communication by water—was about three thousand seven hundred and forty miles.

According to Gibbon's estimate, the total peace establishment of the empire on land probably consisted of about three hundred and ninety-five thou-

¹ See my *Note* at the end of chapter xiii.

sand men; on water, of about fifty-five thousand. Of the former, twenty thousand were stationed near the capital; two hundred thousand guarded the frontiers of the Rhine and the Danube; one hundred thousand protected the frontier of the Euphrates; and seventy-five thousand were divided between Egypt, Africa, Spain, and Britain. The naval force was stationed at proper points on the Mediterranean and the Euxine, on the coasts of Gaul and Britain, and along the Rhine and the Danube. Thus, in conformity with the same general conception, both the army and the navy were distributed around the borders of the empire, and along an irregular line of circumvallation which could scarcely fall short of ten thousand miles. Within the area enclosed by this vast girt there were but few troops; and for several centuries together men experienced—so far as danger from without was concerned—a profound sense of peace and security.

Gibbon places the total population of the empire at about one hundred and twenty millions; and, the whole military and naval establishment being taken, as above, at four hundred and fifty thousand, the result is that there was only *one soldier and sailor to two hundred and sixty-six of the population*—a ratio of military draft upon society which was but little more than one third as great as that of the seven principal states of our present Europe.² This result

² See my *Note* at the end of chapter iii.

is very significant, as showing in a demonstrable manner the great work which the Romans accomplished in imparting a pacific and industrial character to that immense military society over which their ascendancy had been acquired by force, policy, and fraud.³

II. The extreme brevity of the allusions which Montesquieu makes in the foregoing chapter to the Gladiatorial Combats, to the defective sense of Humanity among the Romans, and to the difference between their Education and that of modern times, will justify some further remarks upon each of these topics. In our effort to grasp the general spirit of Roman history, these subjects are too important to be dismissed with a passing glance.

1. The *Gladiatorial Spectacle* was an institution which, like the Triumph, supplies a striking illustration of the semi-savage character of the Roman civilization. It appears that these spectacles were not publicly exhibited at Rome before A. V. C. 490—that is, about the year 262 B. C.; and that they originated in the ancient religious rite of sacrificing prisoners of war to the manes of the dead—a rite which is recognized for example by Homer, in the sacrifice of prisoners which Achilles makes to the dead Patroclus. It was as a funeral rite, and at the period stated, that we first meet with the practice as a public spec-

³ See Gibbon's *Rome*, chs. i and ii; Adam's *Rom. Ant. Vici*. Also, see my *Notes* at the ends of chapters v and vi.

tacle at Rome. The combatants fought in pairs, and thus sacrificed each other on funeral occasions. Nothing can better enable us to realize the intensely savage element which had place in the Roman life than the fact that the illustrious Scipio Africanus himself gave such a spectacle after the death of his father and uncle. All the victims on this occasion were volunteers.

The custom finally lost its religious and funeral character, and became a mere secular amusement. Candidates for office popularized themselves with the people by treating them to these bloody exhibitions; and even the guests at private reunions were entertained by the mutual slaughter of gladiators. The practice increased rapidly down to about the time of Trajan; and the number of gladiators who killed each other for the amusement of the Roman people appears to have been very great. It is said that no less than ten thousand fought in the spectacles which were given by Trajan after the conquest of Dacia. These murderous contests took place in the presence of vast concourses of people, composed of both sexes and of every order, from the rabble to the *élite* of Rome; and all appear to have enjoyed the brutal entertainment with equal zest.

Considered in itself, the gladiatorial spectacle bespeaks a society purely savage. Considered in connection with the advanced social elements with which

it was mixed, it is evidence, like the Triumph,⁴ of a semi-savage social state, at least as far as regards the great virtue of *humanity*.

This truly barbarous custom, after having been interdicted but not extirpated by Constantine, was finally abolished, A. D. 404, by Honorius, or, A. D. 500, by Theodoric the Ostrogoth, a prince who, although an Arian, was, in the estimation of the Romans, an indisputable barbarian. Whatever doubt may exist as to the exact time of its final extinction, it is certain that this horrid amusement had polluted the amphitheatres of the Roman world for more than six hundred years, and that it finally succumbed to the spirit of Christianity.⁵

2. The practice of *Infanticide* may be selected as another striking illustration of the comparative want of Humanity, not only among the Romans, but among the ancient nations generally. Gibbon remarks that "the exposition of children was the prevailing and stubborn vice of antiquity: it was sometimes prescribed, often permitted, almost always practiced with impunity, by the nations who never entertained the Roman ideas of paternal power"; and he adds that "the Roman empire was stained with the blood of infants, till such murders were included, by Valentinian and his colleagues, in the letter and spirit of

⁴ See my *Note* at the end of chapter vi.

⁵ Adam's *Rom. Ant.*, Phila., 1872, p. 229; *Livy*, Book XXVIII, ch. xxi; *Iliad*, Book XXI; Potter's *Grecian Antiquities*, Edinburgh, 1808, vol. i, p. 258; Gibbon's *Rome*, ch. xxx; Chambers' *Enc.*, art. *Gladiator*.

the Cornelian law." General, however, as the custom was, it seems that it was not quite universal; it is said that the Thebans forbade the practice under penalty of death.

The destruction of infants among the ancients appears to have been mainly accomplished in two ways: they were either killed outright—usually it would seem by strangulation—or exposed to perish from the elements, from hunger, or from birds and beasts of prey. The Spartans had a special method of their own. All their newly-born children were taken before judges whose office it was to determine which were fit to live and which not; and the latter were condemned to be thrown into a deep cave in the neighborhood of the Taygetus mountains.

If anything can more clearly indicate the undeveloped feeling of humanity in ancient times than the fact that child murder was either enjoined, permitted, or practiced with legal impunity, by the most civilized nations, it is seen in the additional fact that the custom was approved by the most eminent thinkers and moralists of antiquity. Aristotle expressly recommends that the law should provide for the destruction of all "imperfect or maimed" infants; and, if necessary as a check to population, he even recommends the killing of those who are not physically defective!

After having been practiced for ages by the Romans, this cruel and revolting custom finally yielded

to that growing spirit of humanity which preceded and accompanied the introduction of Christianity into the empire.⁶

3. Probably no contrast between ancient and modern societies is more marked or more significant than that which is seen in connection with *Education*. Neither among the Romans, nor Greeks, nor any other ancient nation, is there evidence to show that society had anywhere come up to the idea of a truly popular education. In the most advanced states, learning was the privilege of the few, illiterate ignorance the heritage of the many. The narrowness of base upon which the Roman and Greek republics rested—in common with the ancient societies generally—is in no respect more plainly seen than in the restriction of culture to a small class. In the rise of the modern system of popular education civilization has taken a new departure; and the polity of modern nations—seeking through elementary culture to render every individual in the state a center of mental and moral force—has added very greatly to the breadth and strength of the social foundation.

In the increasing tendency among modern nations to educate at public expense, and to make education universal, we observe that a fundamental unity of end pervades the whole system of popular culture in Eu-

⁶ Gibbon's *Rome*, vol. iv, pp. 344, 345; Potter's *Grecian Antiquities*, vol. ii, pp. 326-328, Edinburgh, 1808; Adam's *Rom. Ant.*, Phila., 1872, p. 35; Aristotle's *Politics*, Book VII, ch. 16.

rope and America—that end being to strengthen and enrich the state by the development of the faculties of all the individuals of which it is composed ; and we are everywhere looking at a fact of the highest value and strongest hold upon our modern societies, which either had no place whatever, or at most, but little more than a rudimentary one, in the policies of the ancient states.⁷

⁷ For a good statement of the growth and condition of the public school establishments of the principal European states, see Barnard's *National Education in Europe*, Hartford, 1854 ; for a like statement in reference to our own country, see the *Report* made by the same accomplished educator to the Congress of the United States, Washington, 1868 ; for an excellent comparative view of the recent state of national culture on both continents, see Hoyt's *Report on Education*, in the sixth volume of *Reports of Commissioners to the Paris Exposition*, Washington, 1870 ; and for the most advanced ideas upon education in ancient times, see Aristotle's *Politics*, Book III, ch. 13 ; Book V, ch. 9 ; Book VII, ch. 14 ; and Book VIII, ch. 1.

CHAPTER XVI.

STATE OF THE EMPIRE FROM ANTONINUS TO PROBUS.

At the time which we have now reached, the Stoical School was extending itself and acquiring credit in the empire. As the earth causes plants to grow in places which the heavens have never looked upon, so it seemed that human nature had made an effort to produce, from its own resources, this admirable system of philosophy.

The Romans owed their best emperors to this school.¹ Nothing can ever obliterate the memory of the first Antoninus, except the fame of Marcus Aurelius, whom he adopted. We experience a secret pleasure when we speak of this emperor. We cannot read his life without being touched with a species of tenderness. Such is the effect which it produces that we have a better opinion of ourselves for the reason that we have a better opinion of mankind.²

¹ For an idea of the central principle of the stoical philosophy, see my *Note* at the end of this chapter.—TRANSLATOR.

² For some more extended notice of the two Antonines, see *idem*.—TRANSLATOR.

The wisdom of Nerva, the glory of Trajan, the courage of Hadrian, and the virtue of the two Antonines, commanded the respect of the soldiers. But, when new monsters succeeded them, the abuses of a military government appeared in all their excesses; and the soldiers who had sold the empire assassinated the emperors in order to obtain a new price for it.

It is said that there is a prince now living who has labored fifteen years to abolish the civil government of his states, in order to establish a military government instead. I would make no odious reflections upon his designs. I will only say that, in accordance with the nature of things, two hundred guards may place the life of a sovereign in safety—but not eighty thousand; besides which, it is more dangerous to oppress an armed people than one which is not.

Commodus succeeded his father, Marcus Aurelius. He was a monster, who followed not only all his own passions, but all those of his ministers and courtiers. Those who delivered the world of his presence put Pertinax in his place—a venerable old man, whom the Prætorian guards massacred at once.

These guards put up the empire at auction; and Julianus Didius bid it off by means of his promises—a proceeding at which all men were revolted; for, although the empire had often been purchased, it

had never before been sold as merchandise. Perccn-
nius Niger, Severus, and Albinus were saluted as
emperors; and Julianus, not having been able to pay
the immense sums which he had promised, was aban-
doned by the soldiers.

Severus overthrew Niger and Albinus. He pos-
sessed great qualities; but lenity—that first virtue of
princes—he lacked.

The power of the Roman emperors could more
readily assume the appearance of tyranny than that
of the monarchs of our time. As their official dig-
nity was a composite of all the Roman magistracies
—as they were dictators under the name of emper-
ors, tribunes of the people, proconsuls, censors, grand
pontiffs, and, if they desired, consuls also—they had
frequent occasion to exercise the judicial function;
and thus they might easily incur the suspicion of
having oppressed those whom they had condemned
—the people ordinarily judging of the abuse of
power by the magnitude of the power possessed.
Our kings of Europe, on the contrary, being legis-
lators and not executors of the law, princes and not
judges, are discharged from all that part of authority
which might be odious to the people; and, whilst
reserving to themselves the dispensation of mercy,
they have committed the infliction of punishments to
particular magistrates.

Few of the emperors were more jealous of their
authority than Tiberius and Severus; meanwhile

both suffered themselves to be wretchedly governed—the one by Sejanus, the other by Plautian.

The unhappy custom of proscription, which had been introduced by Sylla, was continued under the emperors. And, indeed, it was necessary that an emperor should possess some virtue in order not to resort to it; for, as his ministers and favorites threw their eyes over the prospect of so many confiscations, they incessantly pressed upon him the necessity of punishment and the dangers of clemency.

The proscriptions of Severus caused many of the soldiers of Niger³ to seek refuge among the Parthians.⁴ These refugees taught the latter what they lacked in their military art. They taught them the use and even the manufacture of the Roman arms; and the result was that these people, who had commonly been content with defending themselves, were, in succeeding times, nearly always aggressors.⁵

It is remarkable that, in that succession of civil wars which were continually renewed under the emperors, those who controlled the legions of Europe very generally conquered those who were supported by the legions of Asia;⁶ and we find in the history

³ HERODIAN, *Life of Severus*.

⁴ The evil continued under Alexander. Artaxerxes, who re-established the empire of the Persians, became formidable to the Romans—for the reason that their soldiers, either from caprice or licentiousness, deserted to him in crowds. (*Abridgment of Xiphilinus*, of Book LXXX of Dion.)

⁵ That is to say, the Persians who succeeded them.

⁶ Severus overthrew the Asiatic legions of Niger, Constantine those

of Severus that he was unable to capture the city of Atrá in Arabia, for the reason that, his European legions having mutinied, he was compelled to rely upon those of Syria.

This difference was felt from the time that the Romans first began to make levies in the provinces;⁷ and it was with the legions as with the nations themselves—which, by nature and by education, were more, or less, adapted to war.

The levies which were made in the provinces led to another consequence. The emperors, who were generally taken from the armies, were nearly all foreigners, and sometimes barbarians. Thus Rome ceased to be mistress of the world, and received her laws from all nations. Each emperor carried with him to the capital something which was peculiar to his own country, either in the form of manners, or morals, or police, or worship; and Heliogabalus went so far that he desired to destroy all the objects of veneration which he found in Rome, to remove all the gods from the temples, and to set up his own instead.

of Licinius, and Vespasian, although proclaimed by the armies of Syria, made war upon Vitellius with the legions of Mœsia, Pannonia, and Dalmatia only. Cicero wrote from the place of his government to the senate that troops levied in Asia were not to be relied upon. Constantine, as Zosimus says, only vanquished Maxentius by means of his cavalry—in relation to which see the seventh paragraph of the xxii chapter of this work.

⁷ Augustus gave a fixed character to the legions, and placed them in the provinces. During the earliest times, troops were only levied in Rome; later, the levy was extended to the Latins; later still, to Italy; and, finally, to the provinces.

This, independently of the hidden ways which God had chosen, and which were known to him only, aided much in the establishment of Christianity; for this religion was no longer a stranger in the empire, and men were prepared to receive all the customs which an emperor might desire to introduce.

It is known that the Romans received into their city the gods of other countries. They received them as conquerors, and caused them to be carried in their triumphal processions. But, when they were brought in by foreigners themselves, with a view to establishing their worship, they were immediately interdicted. It is known, too, that the Romans were in the habit of giving to foreign gods the names of such of their own as appeared to resemble them most; but, when the priests of other countries attempted to introduce the worship of their deities into Rome under their proper names, they were not permitted to do so; and this was one of the great obstacles which the Christian religion encountered.*

We might call Caracalla, not a tyrant, but the destroyer of men. Caligula, Nero, and Domitian limited their cruelties to the city of Rome; Caracalla extended his fury to the whole empire.†

* For some idea of the darkest side of the religion of the Romans, see my *Note* at the end of this chapter.—TRANSLATOR.

† A good illustration of the inherent momentum with which a great social organism moves, and of the superiority of the aggregate social force to the special bias of a particular tyrant, is seen in the fact that the general course of the Roman Law was not disturbed, and, it may be, its actual development not arrested, by the tyranny of Caracalla. "Under the

By means of the exactions of a long reign, and by the proscription of those who had adhered to the cause of his competitors, Severus had amassed immense sums. Caracalla, who commenced his reign by slaying his brother Geta with his own hand, employed this wealth in rendering his crime sufferable to the soldiers, who were attached to Geta, and who said they had taken the oath of fidelity to both the sons of Severus, and not to one only.

Wealth amassed by sovereigns scarcely ever produces other than bad effects. It corrupts the successor, who is dazzled by his fortune. If it does not spoil his heart it impairs his genius. He at once projects great enterprises upon the basis of a power which is accidental, which cannot last, which is not natural, and which is rather puffed up than great.

Caracalla increased the pay of the soldiers. Macrinus wrote to the senate that this increase amounted to seventy million¹⁰ drachms.¹¹ It appears that this emperor inflated things; and, if we compare the expense arising from the pay of our soldiers at the present day with the residue of the public expenditures, and follow the same proportion for the Ro-

weakest and most vicious reign," says Gibbon, speaking of this emperor, "the seat of justice was filled by the wisdom and integrity of Papinian and Ulpian; and the purest materials of the Code and Pandects are inscribed with the names of Caracalla and his ministers." (Gibbon's *Rome*, ch. xliv.)—TRANSLATOR.

¹⁰ Seven thousand myriads. (Dion, in *Macrinus*.)

¹¹ The Attic drachm was the Roman denarius—the eighth part of an ounce, and the sixty-fourth part of our mark.

mans, we shall see that the sum would be enormous.

It is necessary that we should inquire what *was* the pay of the Roman soldier.¹²

We learn from Orosius that Domitian added one fourth to the established pay.¹³ It appears, from the discourse of a soldier in Tacitus,¹⁴ that at the time of the death of Augustus it was ten ounces of copper. We find in Suetonius¹⁵ that Cæsar had doubled the pay in his time. Pliny¹⁶ says that during the second Punic war it was diminished one fifth. It was therefore about six ounces of copper during the first Punic war,¹⁷ five ounces during the second,¹⁸ ten under Cæsar, and thirteen and a third under Domitian.¹⁹ Upon this I will make some comments.

The pay which the republic could easily afford whilst it was yet a small state—when each year

¹² Pay *per diem* is to be understood.—TRANSLATOR.

¹³ He increased it in the ratio of seventy-five to a hundred.

¹⁴ *Annales*, lib. i, ch. xvii.

¹⁵ *Life of Cæsar*.

¹⁶ *Natural History*, Book XXXIII, art. 13. Instead of giving ten ounces of copper for twenty, sixteen of the latter denomination were given.

¹⁷ A soldier, in the *Mostellaria* of Plautus, says it was three asses—which can only be understood as referring to the as of ten [two?] ounces. But, if the pay was exactly six asses [ounces?] in the first Punic war, it was not diminished in the second by a fifth, but by a sixth, and the fraction was neglected.

¹⁸ Polybius, who adopts the Greek values of money, only differs by a fraction.

¹⁹ See Orosius, and Suetonius in *Domit*. They say the same thing in different words. I have reduced these values to ounces of copper in order to be understood by those who are not acquainted with the values of the Roman moneys.

brought a new war, and along with it fresh spoils into the public treasury—it could no longer provide for without becoming indebted during the time of the first Punic war, when it had extended its arms beyond the limits of Italy, and when it had to sustain a long war and to support large armies.

During the second Punic war the pay was reduced to five ounces of copper—a reduction which could be made without danger, at a time when most of the citizens blushed to accept soldiers' pay, and desired to serve their country at their own expense.

The wealth of Perseus, and of many other kings, which poured continually into Rome, caused the levy of taxes to cease;²⁰ and, in the midst of great public and private opulence, the Romans had the wisdom not to increase the pay of five ounces of copper.

Although this pay was charged with a deduction for grain, clothes, and arms, it was yet sufficient; for only such citizens were enrolled as possessed a patrimony of their own.

Marius having enrolled men who were without property, and his example having been followed, Cæsar was compelled to increase the pay.

This increase having been continued after the death of Cæsar, it became necessary, under the consulate of Hirtius and Pansa, to re-establish the taxes.

The weakness of Domitian having led him to add yet one fourth to the pay, he thereby inflicted a

²⁰ Cicero's *Offices*, Book II.

great wound upon the State, the misfortune of which is, not that luxury reigns within it, but that it reigns among classes which, from the nature of things, ought to have nothing more than what is physically necessary.²¹ Caracalla having added still further to the pay, the empire was reduced to such a condition that, being unable to maintain itself without the soldiers, it could not maintain itself with them.

In order to allay the feeling of horror which had been excited by the murder of his brother, Caracalla placed him in the rank of the gods. It is singular that this was exactly the treatment which he himself received from Macrinus, who, after having procured his assassination, erected a temple for his worship, and established priests in his honor—seeking thus to appease the anger of the prætorian guards, who were enraged at the death of a prince from whom they had received so much. The result of his deification was, that his memory was not tarnished; and, the senate not daring to judge him, he was not, like Commodus, placed in the rank of the tyrants—though none the less meriting the dishonor.²²

Of the two great emperors, Hadrian and Severus,²³ the one established military discipline, whilst the other

²¹ This statement is more worthy of a philosopher who is at once the satellite of a throne, and the apologist of privileged orders and privileged abuses, than of the free and great genius of Montesquieu.—TRANSLATOR.

²² ÆLIUS LAMPRIIDIUS, in *Vita Alex. Severi*.

²³ See the *Abridgment of Xiphilinus, Life of Hadrian*; and Herodian, *Life of Severus*.

relaxed it. The effects of this difference corresponded accurately with their causes. The reigns which followed that of Hadrian were happy and tranquil; after Severus we look upon a reign of horrors.

Caracalla had indulged in immense profusion towards the military. He had observed well the dying counsel of his father—to enrich the soldiers, and not to trouble himself with others. But such a policy was not of much service except for a single reign; for the successor, not being able to support the same standard of expense, was at once massacred by the army; so that we constantly see the wise emperors put to death by the soldiers, and the bad ones by conspirators, or in pursuance of judgments of the senate.

Whenever a tyrant abandoned himself to his armies, and left the citizens exposed to military violence and rapine, this state of things could only continue during a single reign; for the soldiers, by the destructive excess of their license, went so far as to destroy the very means of their own support; and it thereupon became necessary to think of re-establishing the military discipline—an enterprise which always cost the life of him who dared to attempt it.

After Caracalla had been killed by the creatures of Macrinus, the soldiers—rendered desperate by the loss of one who had lavished his favors upon them

without measure—elected Heliogabalus;²⁴ and when the latter—who occupied himself solely with his filthy voluptuousness, and left the soldiers to live as they pleased—could no longer be endured, they massacred him also. With equal readiness they killed Alexander, who wished to re-establish discipline, and who spoke of punishing them.²⁵ And thus a tyrant, who was able to commit crimes, but was unable to provide for the security of his own life, perished with the same destructive facility as he who desired to do better perished after him.

After Alexander, Maximin was elected. He was the first emperor of barbaric origin. His gigantic height and his great physical strength had brought him into notice. Both he and his son were killed by his soldiers. The first two Gordians perished in Africa. Maximus, Balbinus, and the third Gordian were massacred. Philip, who had procured the murder of the young Gordian, was himself killed, together with his son; and Decius, who was elected in his place, perished in his turn by the treachery of Gallus.^{26 27}

²⁴ At this time all sorts of men believed themselves eligible to the empire. See Dion, lib. lxxix.

²⁵ See Lampridius.

²⁶ Cassaubon remarks upon the *Augustan History* that, during the one hundred and sixty years which it embraces, there were seventy persons who bore, justly or unjustly, the title of Cæsar. "*Adco erant in illo principatu, quem tamen omnes mirantur, comitia imperii semper incerta*"; from which it is manifest how great was the difference between this government and that of France, in which there have been but sixty-three kings in twelve hundred years.

²⁷ For a more general and more particular idea of the destructive fate

That which is called the Roman empire was, at this period, a species of irregular republic, much the same as the aristocracy of Algiers, in which the soldiers, who hold the sovereign power, make and unmake the magistrate whom we call the Dey; and perhaps it is a tolerably general rule that military governments are, in certain respects, rather republican than monarchical.

Let it not be thought that the soldiers took no part in the government except by their disobediences and their revolts. Were not the harangues which the emperors delivered to them essentially of the same nature as those which the consuls and the tribunes had formerly delivered to the people? And although the armies had no particular place for assembling, and were governed by no definite forms—although they did not, as a general thing, proceed with coolness, used as they were to deliberating little and acting much—yet, did they not exercise a sovereign control over the fortunes of the empire? and what was an emperor but the minister of a government of force, elected to subserve the particular interests of the soldiers?

When the army associated Philip with the empire²⁸—he being at the time prætorian prefect of the third Gordian—the latter requested that the sole com-

which attended the Roman emperors, see the concluding part of my *Note* at the end of this chapter.—TRANSLATOR.

²⁸ Julius Capitolinus.

mand might be left in his hands; but his request was denied. He harangued the army in order to induce it to divide the power equally between him and Philip; and this also was denied. He supplicated that the title of Cæsar might be left to him; and this, too, was refused. He asked that he might be made prætorian prefect; and, this being equally denied, he finally spoke for his life. The army, in passing these divers judgments, exercised the supreme power of the state.

The barbarians, who were originally unknown to the Romans, and who at later periods had only been annoying to them, were now become formidable. By the most extraordinary career of success that the world has seen, Rome had so completely annihilated all nations that, when she came to be conquered herself, it seemed as if the earth had given a new birth to the destroyed peoples, in order to prepare the means for her own destruction.

The rulers of great states generally have but few neighbors who are objects of their ambition. Should neighbors of this kind have once existed, they would have been enveloped in the course of conquest. Such states are, therefore, bounded by seas, mountains, and deserts—by outlying regions the poverty of which causes them to be despised.²⁹ Thus it was that the

²⁹ It will be observed that this characterization of a great state is altogether more applicable to ancient times—when the spirit of conquest was so much more active—than it is to the circumstances of the modern world.—TRANSLATOR.

Romans left the Germans in their forests, and the peoples of the North in their ice and snow; and there it was that those nations were preserved, or even formed, by which they were themselves finally subdued.

Under the reign of Gallus, a great number of nations—who afterwards became more celebrated—ravaged Europe; and the Persians, having invaded Syria, only abandoned their conquests in order to secure their spoils.

Those swarms of barbarians which formerly poured down from the North are no longer seen. Roman violence had caused the nations to retire from the South to the North. As long as the force which pressed them back remained unabated, they continued in their new seats. When this force came to be enfeebled, they spread themselves everywhere.³⁰ The same thing took place some centuries later. The conquests and the tyrannies of Charlemagne had a second time caused a movement of nations from the South to the North; and, as soon as this empire became weakened, they flowed a second time from the North to the South. And if, at the present day, some monarch should again commit the same ravages in Europe, the nations, driven to the North—pressed back to the limits of the earth—would there abide firmly until the moment arrived when

³⁰ We see to what the famous question is reduced: "Why is the North no longer as populous as it formerly was?"

they would inundate and conquer Europe a third time.⁸¹

The frightful disorder which prevailed in the succession to the empire having reached its height, we see towards the end of the reign of Valerian, and during that of Gallienus his son, thirty different pretenders to the imperial purple, who, having for the most part destroyed each other, and having had reigns which were very short, received the name of tyrants.⁸²

Valerian having been taken prisoner by the Persians, and Gallienus, his son, neglecting the affairs of the state, the barbarians penetrated on all sides. The empire was in the same condition in which we find it about a century later in the West;⁸³ and it would have been destroyed at that time but for a concurrence of fortunate circumstances which relieved it.

Odenatus—prince of Palmyra and ally of the Romans—drove back the Persians, who had invaded almost the whole of Asia. The city of Rome raised an army of its own citizens, and dispersed the barbarians who came to pillage it. An innumerable army of Scythians, which had crossed the sea in six

⁸¹ For a neglected but important cause of the great power of the northern barbarians during the closing ages of the Western Empire, see my *Note* at the end of this chapter.—TRANSLATOR.

⁸² Gibbon reduces the number to nineteen, but yet implies that it may be thirty, if we count the women and children upon whom the imperial title was conferred. (Vol. i, pp. 321, 322.)—TRANSLATOR.

⁸³ One hundred and fifty years later, under Honorius, the barbarians overran the empire.

thousand vessels, perished from shipwreck, exposure, famine, and its own magnitude. And, Gallienus having been killed, Claudius, Aurelian, Tacitus, and Probus—four great men who fortunately succeeded each other—re-established the empire—which was on the verge of ruin.

NOTE BY THE TRANSLATOR.

IN the course of the preceding chapter Montesquieu touches very cursorily upon several subjects of marked interest, most of which, indeed, are of great significance in estimating the spirit of Roman history. The Stoical Philosophy, which was received by the Romans from the Greeks—the characters of the two Antonines, the noblest productions of that philosophy—the Popular Superstition of the Romans, as seen under the aspect of its darkest trait—the growing power of the Barbarians of the North, as connected with a cause which has not been much noticed—and the Tragic Succession of the emperors of the West, as indicating the low social state of the Roman world—will, therefore, be the subjects of some further reflections.

I. In view of the practical influence exerted upon the Roman character by the various systems of Greek philosophy during the five centuries preceding Constantine, Macintosh very justly assigns the preference to the school of the stoics. “If,” says he, “any conclusion may be hazarded from this trial

of systems—the greatest which history has recorded—we must not refuse our decided, though not undistinguishing, preference to that noble school which preserved great souls untainted at the court of dissolute and ferocious tyrants; which exalted the slave of one of Nero's courtiers to be the moral teacher of after times; which for the first, and hitherto for the only time, breathed philosophy and justice into those rules of law which govern the ordinary concerns of every man; and which, above all, has contributed, by the examples of Marcus Portius Cato and of Marcus Aurelius Antoninus, to raise the dignity of our species, to keep alive a more ardent love of Virtue, and a more awful sense of duty throughout all generations.”¹

Here is not the place to discuss such a question at any length, but I believe it can be shown, first, that the central idea of the Greek stoicism—ascendancy of the reason and moral sentiments over the passions and appetites—does not admit of limitation to any special system of philosophy, but belongs to the common sense of mankind; secondly, that this idea underlies all the best precepts which were prescribed for the conduct of life in the ancient world—whether among Greeks, Romans, Egyptians, Persians, Hindoos, or Chinese; and, thirdly, that the same idea is fundamental to the best ethical conceptions among the moderns. Whatever may be true or

¹ *Dissertation on the Progress of Ethical Philosophy*, sec. ii.

false as to other hierarchies, there is certainly a hierarchy of the powers of man's nature, the supreme law of which is, that well-being demands that the superior shall rule the inferior. This law is so forced upon man's attention by his actual experience in every condition of life, that it has taken some place in the systematic ethics of all cultivated nations, and has been extensively incorporated into the "folk lore" of every people. The distinction of the intellectual Greeks was, that they gave the deepest and richest expression to the law, and thus drew to themselves the credit of being in some sense the originators of a species of moral truth which has been felt and acted upon among mankind generally.

In the whole range of ethical literature, it would be difficult to find a better statement of that general principle upon which stoicism rests—and which appeals so directly to the common apprehension of men—than is found in the following fine stoical passage from Hooker: "First, therefore, having observed that the best things, where they are not hindered, do still produce the best operations, (for which cause, where many things are to concur unto one effect, the best is in all congruity of reason to guide the residue, that, it prevailing most, the work principally done by it may have greatest perfection :) when, hereupon, we come to observe in ourselves, of what excellency our souls are in comparison of our bodies, and the diviner part in relation unto the baser of

our souls; seeing that all these concur in producing human action, it cannot be well unless the chiefest do command and direct the rest. The soul, then, ought to conduct the body, and the spirit of our minds the soul. This is, therefore, the first Law, whereby the highest power of the mind requireth general obedience at the hands of all the rest concurring with it unto action.”²

Nothing can excel the beauty and truth of the philosophy thus enunciated—a philosophy which, wherever practiced, has elevated and ennobled human nature; and the influence of which upon the lives of particular Romans has given to history some of its noblest characters—even amid that dreary waste of criminality and moral decay that attended the declining empire.

II. A personal interest of a high order attaches to the characters of the two Antonines, and a still higher interest which is not personal: *they were productions of the ancient system*—of the stoical school. As such, they may be presented as the best practical results of the ancient philosophy, and as a sort of test, therefore, of its possible capacity. I here incorporate De Quincey’s idea of both these extraordinary men:

“The elder of the two, who is usually distinguished by the title of *Pius*, is thus described by one of his biographers: ‘He was externally of remarkable

² *Eccles. Pol.*, Book I, ch. 8, sec. 6.

beauty; eminent for his moral character, full of benign dispositions, noble, with a countenance of a most gentle expression, intellectually of singular endowments, possessing an elegant style of eloquence, distinguished for his literature, generally temperate, an earnest lover of agricultural pursuits, mild in his deportment, bountiful in the use of his own, but a stern respecter of the rights of others; and, finally, he was all this without ostentation, and with a constant regard to the proportions of cases, and to the demands of time and place.' . . . Little, indeed, did Pius want of being a perfect Christian in heart and in practice." Proceeding from the character of Pius to that of Marcus, the same writer says: "A thoughtful Roman would have been apt to exclaim, *This is too good to last*, upon finding so admirable a ruler succeeded by one still more admirable in the person of Marcus Aurelius":³ and he applies to the latter the hypothesis that he must have experienced a "sub-conscious influence" from Christianity—a surmise which may, indeed, contain some possible measure of truth, but which it seems difficult to reconcile with the circumstance that this emperor persecuted the Christians—a fact, by the way, which De Quincey curiously overlooks in estimating his character.

In assigning to the emperor Pius a character which he regards as all but perfect, and to Marcus a higher one still, De Quincey probably expresses the

³ See De Quincey's *Cæsars*, Boston, 1854, pp. 146, 149, 153, 164, 267.

prevailing opinion among recent scholars. The preference thus given to the younger Antoninus is doubtless largely owing to his "Meditations," a work which takes an eminent place in the world's literature of moral thought. Pius claims no such literary distinction; but the fact that this man—although charged during so many years with the immense powers of a Roman emperor—has given to history a life which appears to be wholly without reproach, whilst that of his successor is tarnished by the single stain of persecution, seems to supply a solid ground of preference in his favor. The emperor Marcus may have possessed a higher order of intellectual endowments; and, barring the single stain alluded to, he was a prodigy in the practice of all the virtues. He appears to have just missed being the most illustrious prince that has ever ruled over men.

On the whole, it seems fair to say that it would be difficult to name, in the entire history of the world, two sovereigns who have supported authority with equal self-control, or who have so beautifully exemplified the advantages which flow from philosophy enthroned with power.

III. The religion of the Romans was but a great phase of that general system of Polytheism which, ethnically, was coextensive with the Indo-European races, whilst geographically it was diffused from India to the Atlantic Ocean. Probably the most significant character of this system of religious ideas

and usages is the negative one, that it sustained but a feeble relation to the virtue of *humanity*; and it appears certain that that new doctrine of Charity, which took its historical origin in Judea, and among a Semitic people—and which is, hitherto, the world's highest spiritual product—was much more nearly anticipated by the philosophy of the Greeks than by the religion of Polytheism.

There is but one feature of the religion of the Romans which I here propose to point out. It is one, however, of large representative value—giving, perhaps, a darker idea of the mental status of the masses of the Roman people than anything else which is found in their history, not even excepting the horrors of the gladiatorial spectacle. I allude to the practice of human sacrifice. We have seen that this practice probably attained its most revolting proportions, as it certainly assumed its most revolting form, among the Carthaginians, and the Phœnician Semites from whom they derived their origin.* But, in greater or less degrees, the practice appears to have been diffused quite generally over the ancient world. We meet it among Gauls, Germans, Britons, Romans, and Greeks. The story of Iphigenia, in which so much tragic interest has centered, might as well have been truth as fiction. It is quite in harmony with the probabilities of early Greek life. Aristomenes is represented as sacrificing three hun-

* See my *Note*, at the end of chapter iv.

dred human victims to Jupiter, a Spartan king being one of the number. Just before joining in the battle of Salamis, Themistocles, or rather his soothsayer and his ignorant soldiers, sacrificed three beautiful Persian captives—reputed nephews of Xerxes—to the god Bacchus Omestes; and upon the altar of the Arcadian Bacchus, “young damsels were beaten to death with bundles of rods.”⁵

This rite of human sacrifice, in one form or another, stains the history of Rome from the earliest ages down to the time of the empire. We have already seen that the mutual slaughter of the gladiators themselves originally involved the idea of a sacrifice to the manes of the dead.⁶ In the time of the kings it is said that certain classes of offenders were devoted by law to the infernal gods, and might be slain by any one who chose to do so. It appears also that in early times boys were annually sacrificed; and that it was customary, on the ides of May, to throw thirty old men from one of the bridges into the Tiber, as an offering to the souls of the dead. In the time of the republic, it was lawful for any consul, dictator, or prætor to devote to the gods either himself or any member of a regularly enrolled legion, the idea being that the enemy were devoted along with the victim, and that the soul of the latter, aided by the infernal powers, drew them

⁵ Potter's *Grecian Antiquities*, Edinburgh, 1808, vol. i, pp. 257, 258; and Plutarch's *Life of Themistocles*.

⁶ See my *Note* at the end of chapter xv.

after him to the earth and to the shades below. Livy mentions two notable instances of consuls who thus devoted themselves on the field of battle.⁷

The sacrifice was at times expiatory. Thus—to recur to an incident referred to in a former note—after the disaster of Cannæ—among other expurgatory proceedings, two men and two women were let down alive into a walled pit in the cattle market; and the historian who records the incident, while claiming with doubtful credit that the rite was not Roman, admits that the same spot had previously been polluted by human sacrifice.⁸ As late as the year 45 B. C., it is related that two men were sacrificed in the Campus Martius by the priests of Mars; and even so late as the time of Horace, boys were yet slain in connection with the rites of magic. Sextus Pompey—son of Pompey the Great—inflated by his naval power, and assuming the distinction of “the son of Neptune,” cast living men into the sea as offerings to that god; and on the ides of March, in the year 40 B. C., Octavius ordered three hundred, or, as another authority has it, four hundred, senators and knights of the opposing faction “to be sacrificed as victims on the altar of Julius Cæsar”—an instance, however, so mixed up with the venomous party hatred

⁷ Adam's *Rom. Ant.*, Phila., 1872, pp. 214, 215, 221; *Livy*, Book VIII, ch. ix; Book X, ch. xxviii.

⁸ *Livy*, Book XXII, chap. lvii.

of the time that it is difficult to determine the exact nature of the sacrifice.⁹

We must rationally conclude that, in the course of Roman history, the number of human victims who were sacrificed in order to satisfy the demands of an ignorant superstition was very much greater than we have any account of; and that the religious conceptions of a large section of the Roman mind were upon much the same level as those of the Aztecs at the time of Cortes. There was, however, a more advanced order of thought in the state, and a consequent protest—long futile, or only partially effective—against the benighted custom of human sacrifice.

On the legal side, Junius Brutus has the credit of interfering with it, and in some degree checking it, in the first days of the republic; and then, after a long interval, we come, in the year 96 B. C., upon a decree of the senate which wholly or partially prohibited the practice.¹⁰

On the side of enlightened opinion, the cultivated intellect of Rome commenced early to be detached from the absurdities, and especially from the atrocities, of the popular superstition. But so powerful was the popular belief, and so ready its ministers to give it effect, that we reach the time of the first

⁹ Adam's *Rom. Ant.*, Phila., 1872, p. 215; Suetonius in *Octavius*, ch. 15; Ferguson's *Rome*, ch. xxxiii; Anthon's *Clas. Dic.*, art. *Pompeius*.

¹⁰ Adam's *Rom. Ant.*, Phila., 1872, pp. 215 and 221.

emperors before the blood of human victims ceased to flow, either as an offering to the gods or to the souls of the dead; and thus we have, in the case of the Romans, a striking illustration of the general law of history—that in all progressive societies the popular religious ideas yield tardily to the advancing social movement.

IV. I suspect that a neglected, but very important, cause of the final overthrow of the Roman power by the nations of the North may be found in the progressive diffusion of the use of iron among these rude peoples, and in the consequent positive increase of their military force and efficiency.

The earliest periods of Greek and Roman history seem to abut upon an Age of Bronze. "It is stated," says Professor Worsaae, "by Homer, Hesiod, and other authors, that the Greeks in the most ancient time, before they had knowledge of iron, used bronze, which was also the case with the Romans." At later, though yet remote periods in their history, these leaders of ancient European civilization appear to have gradually acquired the use of iron. "Already in the time of Homer," says the same writer, "the Greeks had iron, although it was very scarce and expensive; the Romans seem to have had and used iron before the kings were expelled." Thence the use of iron appears to have spread slowly among the peoples of the North. Professor Worsaae continues: "It was partly an effect of Greek and Ro-

man influence that the use of iron was known at a comparatively early period in the northern parts of Italy, in South Germany, and Gallia, the inhabitants of which countries were thereby enabled to contend so gallantly with the Romans. Polybius mentions, however, that the Gauls, who, about two hundred years before Christ, fought against the Romans in the north of Italy, were obliged in their battles to straighten their swords by putting their feet upon them, because they bent when exposed to a heavy blow; a fact which shows that the Gauls did not then possess steel. The invention of making the iron hard is attributed to the Celts of Noricum; in the time of Augustus, the Noric swords were famous in Rome.

“But, if the people in the neighborhood of Rome, and influenced by Roman civilization, at the commencement of the Christian era, generally possessed weapons of iron, it does not follow that the people in the North had also, at so early a time, plenty of that metal. Cæsar says distinctly that, in Britain, iron was only to be found at the coasts, and that in such small quantities that the inhabitants used imported bronze (*‘ære utantur importato’*). It must also be remembered that he speaks of their using iron rings as money. A century after Christ, the Britons seem to have got a great deal more iron, but the Germans had still so little of it that they very rarely had swords, or large lance-heads, of that metal.

It was when the Romans got colonies in Hungary, Germany, Gaul, and Britain, or about from the third century of the Christian era, that their civilization first got some influence in the northern part of Germany, and in Scandinavia, where, however, it evidently had a hard struggle with the old civilization.”¹¹

The same learned antiquary states further, that the iron-period “can first be traced with any certainty in Sweden and Norway as late as the fourth and fifth centuries”; and, that we cannot “carry the complete introduction of the civilization of the iron-period into Denmark farther back than to the sixth and seventh centuries.”¹²

We may say comprehensively, therefore, that the history of the ancient progress of the use of iron runs parallel with the history of the diffusion of ancient civilization in Europe; and, that it took about fifteen centuries, or from the time of Homer down to the sixth century after Christ, for the efficient use of iron to advance from the Mediterranean to the northernmost limits of Europe. And we can readily see that, as the use of this metal worked its way north, the invasions of the South which proceeded from that quarter would become more formidable.

V. Much light may be shed upon the downward

¹¹ *Primeval Antiquities of Denmark*, London, 1849, pp. 138-140.

¹² *Idem*, p. 142.

movement of the Roman empire by such proximate measurements of the reigns and the deaths of the emperors as are within our reach. For this purpose, the whole series of emperors, from Cæsar to Augustulus, may be conveniently divided into three groups: the first group extending from B. C. 46 to A. D. 180, and including a period of 226 years; the second extending from A. D. 180 to A. D. 285, and embracing 105 years; the third extending from A. D. 285 to A. D. 476, and covering a period of 191 years. This division is not made at random. The first group closes with Marcus Antoninus, and abuts upon Commodus, with whom Gibbon considers the decline of the empire to begin; the second group closes with Nume-rian and Carinus, and abuts upon Diocletian, with whom an important change in the empire took place; and the third group, closing with Augustulus, the last pretense of a Roman emperor in the West, abuts upon the barbaric rule of Odoacer the Goth.

1. In the first group we count Cæsar, Augustus, Tiberius, Caligula, Claudius, Nero, Galba, Otho, Vitellius, Vespasian, Titus, Domitian, Nerva, Trajan, Hadrian, Antoninus Pius, and Antoninus Marcus—seventeen in all. The average reign of these emperors was *thirteen years three months and fifteen days*. Seven of them—Cæsar, Tiberius, Caligula, Claudius, Galba, Vitellius, and Domitian—were murdered; and two of them—Nero and Otho—resorted to self-destruction in order to escape the vengeance of

their enemies. Reducing the proportion to the scale of one hundred, and neglecting the surplus fraction, the nine who thus came to a violent death amount to *fifty-two per cent of the whole group*.

2. In the second group we have Commodus, Pertinax, Julianus Didius, Septimius Severus, Caracalla and Geta, Macrinus, Heliogabalus, Alexander Severus, Maximin, the two Gordians, Maximus and Balbinus, the third Gordian, Philip, Decius, Gallus, Æmilianus, Valerian, Gallienus, Claudius, Quintillius, Aurelian, Tacitus, Florianus, Probus, Carus, Numerian, and Carinus—thirty in the aggregate. Supposing all these succeeded each other consecutively—as in the first group—their average reign would be but *three years and six months*, which is little more than one fourth of the preceding average. But, inasmuch as some of the reigns in this group were wholly or partly concurrent with each other, the true average reign would be somewhat longer. The determination of the ratio of deaths by assassination and forced suicide admits of more precision. Of these thirty emperors, two were victims of compulsory suicide—the elder Gordian and Quintillius; twenty were murdered—Commodus, Pertinax, Julianus Didius, Geta, Caracalla, Macrinus, Heliogabalus, Alexander Severus, Maximin, Maximus and Balbinus, the third Gordian, Philip, Gallus, Æmilianus, Gallienus, Aurelian, Florianus, Probus, and Carinus; and thus the proportion of deaths by violence in our second group rises to

seventy-three per cent of the whole number. Nor does even this enormous ratio of assassination give an adequate idea of the murderous propensity of our second period. We have seen that in the reign of Gallienus no less than nineteen pretenders assumed the imperial purple, all of whom are excluded from our second group of emperors, and not one of whom died a natural death.¹³

3. During our third period we meet with the curious fact that, although the confusion and disintegration of the Roman world increased, there was yet some falling off in the rate of assassination. Early in this period—following the reigns of Diocletian and Maximian—arose a succession of civil wars which were perhaps as destructive as those which preceded and attended the fall of the republic. At one time no less than six emperors reigned together.¹⁴ In the course of this period, too, we first encounter the distinction of the Eastern and the Western empire—a distinction which, whilst it still further complicates the affairs of the Romans, seems to me to signify, at least for a considerable time, rather a division of administration than the conscious resolution of the empire into two independent sovereignties. With such drawbacks it is extremely difficult to make an arrangement of our third group of emperors which will approach closely to a true suc-

¹³ Gibbon's *Rome*, New York, 1870, vol. i, p. 324.

¹⁴ *Idem*, p. 466.

cessional order. Their names, omitting the names of those whose operations were wholly limited to the East, are as follows: Diocletian, Maximian, Galerius, Constantius, Severus, Maxentius, Licinius, Maximin, Constantine, Constantine II, Constantius II, Constans, Magnentius, Vetrano, Decentius, Julian, Jovian, Valentinian I, Gratian, Theodosius the Great, Valentinian II, Maximus, Eugenius, Honorius, John, Valentinian III, Petronius Maximus, Avitus, Majorian, Libius Severus, Anthemius, Olybrius, Glycerius, Julius Nepos, and Augustulus—thirty-five in all. Supposing, as above, that these emperors reigned successively, their average reign would be *five years five months and fourteen days*, an increase of nearly two years upon our next preceding average; but, inasmuch as a considerable number of these reigns overlapped each other, our present average is still sensibly too short. Here again, however, we can determine the ratio of deaths by violence with more accuracy. Of the thirty-five emperors who make up this group, eleven were certainly murdered—Licinius, Constans, Gratian, Valentinian II, Maximus, Eugenius, John, Valentinian III, Petronius Maximus, Anthemius, and Julius Nepos; three were *probably* murdered—Avitus, Majorian, and Libius Severus; and four perished by compulsory suicide—Maximian, Severus, Magnentius, and Decentius. Thus the entire number of deaths which are to be attributed to violence is eighteen, which amounts to *fifty-one per cent of the whole group*.

We see, therefore, that the observation which Montesquieu makes in the succeeding chapter—to the effect that, for the causes there stated, the emperors after Diocletian began to rest more secure of their lives—is justified by our figures, although with feeble emphasis indeed. From *fifty-two per cent* in the first group, the work of murder ascends to *seventy-three* in the second, and descends no lower than *fifty-one* in the third.

4. Putting our three periods together, we find that, during the five hundred and twenty-two years which extend from Cæsar to Augustulus—both inclusive—there were eighty-two emperors, the average of whose reigns, all taken as consecutive, would be *six years four months and eleven days*—which average, however, for the reason already given, must be increased to some extent.

It is instructive to compare this general result with some like averages taken from modern monarchies. Adopting the statement of Montesquieu, (note 26 of the preceding chapter), that for twelve hundred years France had only sixty-three kings, we see that the average reign of her monarchs in the course of this long period was *nineteen years and seventeen days*. During the seven hundred and seventy-one years which intervened between the conquest of William the Conqueror and the accession of Victoria, England had but thirty-five reigns—counting the Commonwealth as one—of which the average

duration was *twenty-two years and ten days*. Thus we see that the mean length of the Roman reigns was only about *one third as great as those of England and France*—a discrepancy which indicates the immense organic superiority of these modern states, and which stands closely related to the indeterminate character of the Roman monarchy, vacillating as it did between the elective, the hereditary, and the patrimonial types.¹⁵

5. Of the eighty-two emperors whom I have enumerated, the deaths of forty-nine are referable to assassination or compulsory suicide, a proportion which rises to a large fraction over *fifty-nine per cent of the whole number*. This was probably the most fatal lottery from which royal prizes were ever drawn, and, in reckoning up the bloody roll, one experiences an instinctive sense of pity for the imperial victims. The words of De Quincey are completely apposite: "The crown of the Cæsars was, therefore, a crown of thorns; and it must be admitted that never in this world have rank and power been purchased at so awful a cost in tranquillity and peace of mind."¹⁶

In the light of such a series of facts, consequent upon a monarchy resting upon no determinate idea, but abandoned to the irregular impulses of ambition and crime, we can fully realize, with Gibbon, "The Apparent Ridicule and Solid Advantages of Heredi-

¹⁵ Gibbon's *Rome*, New York, 1852, vol. iii, p. 365.

¹⁶ *The Cæsars*, Boston, 1854, p. 251.

tary Succession.”¹⁷ All experience has shown, as reason might anticipate, that societies which are so undeveloped as to require a monarchical form of government are likewise so deficient in that high social ability which is implied in the orderly election of the sovereign, that their best security against internal disorder must be sought in the simple principle of succession by inheritance—a principle which is so absurd when applied to the transmission of government that it gives rise to an irrepressible feeling of contempt—and which is yet so indispensable to order in monarchical states that the philosopher becomes reconciled to it as a ridiculous necessity. The extent of the Roman empire was so great, and its composition so heterogeneous and unstable, that the sentiment which underlies this principle—so useful in immature societies—could never acquire permanent ascendancy; and hence, in great part, that destructive violence which marked the succession of the emperors.

The division which I have made of the Roman emperors into three groups, together with the proximate average of the reigns, and the ratio of assassination, for each of these groups respectively, and for all conjointly, may be taken as a good illustration of the facility and brevity with which the general spirit of extensive and complicated social phenomena may sometimes be presented by means of exact statistical measurements. With a view to fulfilling the

¹⁷ Vol. i, *Contents*, p. xlii.

conditions of scrupulous fairness, I will add, in conclusion of the subject, that the conception of subjecting the emperors to this treatment was suggested by some similar, but detached and incomplete, observations of De Quincey.¹⁸

¹⁸ See *The Cæsars*, Boston, 1854, pp. 184, 241.

CHAPTER XVII.

CHANGE IN THE GOVERNMENT OF THE EMPIRE.

IN order to guard against the ever-recurring treachery of the soldiers, the emperors associated persons with themselves in whom they had confidence; and Diocletian, under pretext of the magnitude of the public affairs, established the rule that there should constantly be two Emperors and two Cæsars. He supposed that the four principal armies, being under the control of those who had part in the empire, would act as checks upon each other; that the other armies, not being strong enough to hazard the enterprise of making their chiefs emperors, would gradually lose the habit of election; and, finally, the dignity of the Cæsars being always subordinate, he imagined that the powers of the state, thus divided between four, for the safety of the government, would yet remain wholly in the hands of two.

But that which still more effectively restrained the license of the military was the circumstance that, public and private wealth having diminished, the emperors were no longer able to bestow such

considerable donatives upon the soldiers; so that the profit ceased to be proportioned to the dangers of a new election. And, in addition to this, the prætorian prefects, whose powers and functions were about the same as those of the grand viziers of the present day—and who, in order to take their places, procured the assassination of the emperors at will—were much humbled by Constantine, who only left them their civil functions, and increased their number to four instead of two.

The lives of the emperors began, therefore, to be more secure; they could die in their beds; and this seemed in some small degree to soften their manners. They no longer shed blood with so much ferocity. But, as it was necessary that their immense power should overflow in some direction, we see a species of tyranny which was different, but more inexorable. It was no longer the massacre, but the iniquitous judgment—forms of judicial procedure, which only seemed to postpone death in order to dishonor life. The court was itself governed, and in its turn governed the empire, with more artifice, cunning, and secrecy. Instead of that boldness in the conception of bad deeds, and that impetuosity in their execution, we witness the reign of vices which are peculiar to feeble minds, and of crimes which have been reflected upon.

A new sort of corruption came in. The first emperors loved pleasure; these sunk into effeminacy.

They showed themselves less to the military; they were more indolent, more influenced by their domestics, more attached to the palace, and more separated from the empire.

As the court became more detached from affairs, its poison increased. Nothing was said directly; everything was insinuated; all great reputations were attacked; and the ministers of state and the officers of the army were constantly at the mercy of that sort of men who are incapable of serving their country themselves, and who will not allow others to do so with honor.¹

That sociableness of the first emperors—which alone could afford them the means of knowing their affairs—had entirely disappeared. The emperor no longer knew anything except on the report of a few confidants, who—always acting in concert, often even when they seemed to be of contrary opinions—performed no more than the office of a single adviser.

The sojourn of many of the emperors in Asia, and their constant emulation of the kings of Persia, caused them to desire, like their eastern rivals, to be adored; and Diocletian, or, according to others, Galerius, ordered such adoration by an imperial edict.

Asiatic ostentation and pomp being established, the eyes of men became accustomed to the change at

¹ See what the historians tell us of the court of Constantine, of Valens, etc.

once; and when Julian would demean himself with simplicity and modesty, thus recalling the memory of the ancient manners, he was reproached with being forgetful of the dignity of his station.

Although after the time of Marcus Aurelius there may have been several emperors reigning at once, there had been but one empire; and, the authority of all being recognized in the provinces, there was a single power, exercised by several. But Galerius and Constantius Chlorus, not being able to agree, actually divided the empire;² and, this example being afterwards followed by Constantine—who adopted the plan of Galerius and not that of Diocletian—a custom was introduced which was less a change than a revolution.³

Furthermore, Constantine's desire to found a new city, and the vanity which prompted him to endow it with his name, determined him to carry the seat of empire to the East.

Although the circumference of Rome was not nearly so great as it is at the present time, the suburbs of the city were prodigiously extended.^{4 5} Italy, covered over with pleasant places, was, properly speaking, only the garden of Rome. The laborers were in

² See Orosius, Book VII; and Aurelius Victor.

³ In relation to the division of the empire, see my *Note* at the end of this chapter.—TRANSLATOR.

⁴ *Exspatiantia tecta multas addidere urbes*, says Pliny. (*Natural History*, Book III.)

⁵ Respecting the extent and population of ancient Rome, see my *Note* at the end of this chapter.—TRANSLATOR.

Sicily, Africa, and Egypt,⁶ the gardeners in Italy; and the lands were almost wholly cultivated by the slaves of Roman citizens. But, when the seat of empire came to be established in the East, almost the entire population of Rome proceeded thither, the principal citizens being accompanied by their slaves—that is to say, by nearly all the people; and thus Italy was deprived of its inhabitants.

In order that the new city might in no respect fall short of the old one, Constantine desired that grain should be distributed therein also; and he ordered that the grain of Egypt should be sent to Constantinople, and that of Africa to Rome—a provision which does not appear to me to have been a very sensible one.

In the time of the republic, the Roman people—sovereign of all others—should naturally have received some part of the tributes; and, accordingly, the senate first sold them grain at a low price, and afterwards distributed it among them free of charge. When the government had become monarchical, this custom—although contrary to the principles of the monarchy—was continued. The abuse was left standing because of the inconveniences which would have attended its removal. But Constantine, in founding a new city, transferred it thither without good reason.

⁶ Formerly, says Tacitus, grain was carried from Italy to the remote provinces, and Italy is not yet sterile; but we prefer to cultivate Africa and Egypt, and choose rather to expose the lives of the Roman people to chance. (*Annales*, lib. xii, ch. xliii.)

When Augustus had conquered Egypt, he transported the wealth of the Ptolemies to Rome. This led to a revolution in the latter city, which was nearly the same as that which was afterwards produced in Europe by the discovery of the Indies, and which certain systems have given rise to in our own day.⁷ Real estate doubled in price at Rome;⁸ and, as this city continued to draw to itself the wealth of Alexandria, which received in its turn the wealth of Africa and the East, gold and silver became very common in Europe; and this placed the nations of the empire in a condition to pay very considerable imposts in specie.

But, when the empire came to be divided, this wealth flowed into Constantinople. We know, besides, that the mines of England were not yet opened;⁹ that there were very few mines in Italy and in the Gauls;¹⁰ and that, after the Carthaginians, the mines of Spain were but little worked, or at least that they

⁷ Doubtless allusion is here made to the financial scheme of John Law, which was adopted by the Regent of France during the minority of Louis XV, and at a time when Montesquieu was a young man, 1716.—TRANSLATOR.

⁸ SUTONIUS, in *Augustus*; OROSIUS, lib. vi. Rome had often experienced such revolutions. I have said that the wealth of Macedon, which was transferred to the conquering city, caused the cessation of all taxes. (Cicero's *Offices*, Book II.)

⁹ Tacitus, *De Moribus Germanorum*, says so expressly. We know, moreover, nearly the epoch of the opening of most of the mines of Germany. See Thomas Sesreiberus, on the origin of the Hartz mines. It is believed that those of Saxony are less ancient.

¹⁰ See Pliny, Book XXXVII, art. 77.

were no longer so rich as formerly.¹¹ Italy, possessing nothing but abandoned gardens, could not, by any means, draw to herself the money of the East. Meanwhile the West, in order to obtain the merchandise of the East, sent thither its own money in exchange. Gold and silver, therefore, became extremely scarce in Europe. But the emperors continued to exact the same tributes; and this ruined all.

When the government of a country has taken a form which has continued for a long time, and when things have assumed a certain adjustment, it is nearly always prudent to leave them as they are; for the causes, often complicated and unknown, which have led to the continued existence of such a state, are a guarantee that it will still maintain itself; but, when the whole system is changed, only such abuses can be remedied as present themselves in theory, whilst those which experience only can discover, are left unprovided for.

Thus, although the empire was too large, its division ruined it; for all the parts of this vast body—long united—had, so to say, adjusted themselves to the whole, and become mutually dependent upon each other.

After having weakened the capital, Constantine struck a blow upon the frontiers.¹² He withdrew the

¹¹ Diodorus says the Carthaginians knew very well the art of profiting by these mines, and the Romans, the art of preventing others from doing so.

¹² In what is here said of Constantine, we do not contradict the eccle-

legions which had been stationed upon the shores of the great rivers, and distributed them in the provinces—a measure which involved two evils: the barrier was removed which kept back the barbarous nations; and the soldiers,¹³ addicted to the theatre and the circus, became effeminate.¹⁴

When Julian was sent into the Gauls by Constantine, he found that fifty cities along the Rhine had been captured by the barbarians;¹⁵ that the provinces had been sacked; and that there was nothing more than the shadow of a Roman army, which the very name of an enemy was sufficient to put to flight.

By his wisdom, his constancy, his economy, his conduct, his valor, and an uninterrupted succession of heroic actions, Julian was enabled to drive back the barbarians;¹⁶ and the terror of his name held them in check while he lived.¹⁷

The brevity of the imperial reigns, the divers

siastical writers, who declare that they only intend to speak of such actions of this emperor as relate to piety, and not of those which relate to the government of the state. (EUSEBIUS, *Life of Constantine*, Book I, ch. ix; SOCRATES, Book I, ch. i.)

¹³ Zosimus, Book VIII.

¹⁴ After the establishment of Christianity, the gladiatorial combats became rare. Constantine prohibited them, and they were entirely abolished under Honorius, as appears from Theodoret and Otho de Frisingua. Of their ancient spectacles, the Romans only retained those which were calculated to depress courage and stimulate voluptuousness.

¹⁵ AMMIANNUS MARCELLINUS, lib. xvi, xvii, xviii.

¹⁶ *Idem*.

¹⁷ See the magnificent eulogy of Ammiannus Marcellinus on this emperor, lib. xxv; see also the fragments of the *History of John of Antioch*.

political parties, the different religions, and the particular sects into which these religions were divided, have caused the characters of the emperors to come down to us under forms extremely equivocal. I will only give two examples of this. Alexander, who is so cowardly in Herodian, appears full of courage in Lampridius. Gratian, who is so highly praised by the orthodox, is compared to Nero by Philostorgius.

Valentinian, more than any other, felt the necessity of the ancient plan. He employed his whole life in fortifying the banks of the Rhine—in throwing up levees, building castles, and providing for the establishment and subsistence of troops along the course of that river. But an event took place which determined Valens, his brother, to open the Danube; and this was followed by frightful consequences.

In the country which lies between the Palus Mœotis,¹⁸ the Caucasian Mountains, and the Caspian Sea, there were many peoples, belonging mostly to the nation of the Huns or to that of the Alans. Their lands were extremely fertile; they loved war and rapine; they were almost always on horseback, or mounted upon their wagons, wandering over the country in which they were enclosed. They carried their ravages as far as the frontiers of Persia and Armenia; but the Caspian gates were easily defended, and it was difficult for them to penetrate into Persia by any other route. As they did not

¹⁸ The modern *Sea of Azof*.—TRANSLATOR.

imagine that it was possible to cross the Palus Mœotis,¹⁹ they knew nothing of the Romans; and, whilst other barbarians ravaged the empire, they remained within the limits which their ignorance had prescribed to them.

Some have said that the mud brought down by the Tanais²⁰ had formed a species of crust upon the Cimmerian Bosphorus, over which they passed;²¹ others, that two young Scythians, pursuing a hind which crossed this arm of the sea, followed her to the opposite shore.²² They were astonished at finding an unknown world; and, returning to their companions, they informed them of the new lands, and—if I may use the expression—of the Indies which they had discovered.^{23 24}

Innumerable swarms of Huns passed over at once; and, meeting the Goths first, they drove them before them. It seemed as if these nations had precipitated themselves one upon another, and that Asia, in order to fall upon Europe, had acquired a new weight.

¹⁹ PROCOPIUS, *Miscellaneous History*.

²⁰ The modern *Don*.—TRANSLATOR.

²¹ ZOSIMUS, lib. iv.

²² JORNANDES, *De Rebus geticis*; *Miscellaneous History of Procopius*.

²³ See Sozomen, lib. vi.

²⁴ Compare *Gibbon*, ch. xxvi, note 56. He properly distrusts the bridge of mud and the adventure of the hunters, but treats in too slighting a manner the just conception of Montesquieu, that the Huns, when they first turned their faces toward Europe, experienced a feeling similar to that which Europe itself afterward felt upon the discovery of the Indies.—TRANSLATOR.

The frightened Goths presented themselves upon the banks of the Danube, and, with joined hands, supplicated the privilege of a retreat. The flatterers of Valens seized upon the occasion, and represented it to him as the happy conquest of a new people, who were come to defend and to enrich the empire.²⁵

Valens ordered that they should pass without arms; but, influenced by money, his officers allowed them to retain as many of their arms as they pleased.²⁶ He directed that a distribution of lands should be made to the new-comers; but, unlike the Huns, the Goths did not cultivate their lands;²⁷ and

²⁵ AMMIANUS MARCELLINUS, lib. xxix.

²⁶ Of the officers who received these orders one conceived an infamous love; another was captivated by the beauty of a barbaric woman; and others still were corrupted by presents, such as linen garments and fringed carpets; men had no other care but to fill their houses with slaves, and to cover their farms with cattle. (*History of Dixipus.*) (a)

(a) It must be understood, as Gibbon says, that the articles of manufacture here mentioned were obtained by the Goths from the Roman provinces. See *Decl. and Fall*, ch. xxvi, note 68.—TRANSLATOR.

²⁷ See the *Gothic History of Priscus*, in which this difference is well established.

It may be asked, perhaps, how nations that did not cultivate lands became so powerful, whilst those of America are so weak. The reason is that pastoral nations are provided with a means of subsistence which is much more certain than that of hunters.

It appears from Ammianus Marcellinus that the Huns, while they yet remained in their original seats, did not cultivate their lands. They lived upon their flocks, in a country abounding in pasturage, and watered by many rivers—as yet do the tribes of lesser Tartary, who inhabit a part of the same country. It seems that these people, after their emigration, coming to inhabit countries less adapted to the support of herds, commenced the cultivation of lands.

even the grain which had been promised them was withheld. They were dying of famine, and they were in the midst of a rich country; they had arms in their hands, and they were unjustly treated. They ravaged the whole country from the Danube to the Bosphorus; they exterminated Valens and his army, and only recrossed the Danube in order to abandon the frightful solitude which they had made.²⁸

²⁸ See Zosimus, lib. iv; see also Dixipus, in the *Excerpt of the Embassies of Constantine Porphyrogenitus*.

NOTE BY THE TRANSLATOR.

GIBBON quotes the concluding words of the preceding chapter, and adds: "The president Montesquieu seems ignorant that the Goths, after the defeat of Valens, *never* abandoned the Roman territory. . . . The error is inexcusable, since it disguises the principal and immediate cause of the fall of the Western empire of Rome." It seems true that the *Visigoths*—who crossed the Danube in the manner stated in the text—did not return. They finally entered into a treaty with Theodosius the Great, successor of Valens, were settled in Thrace, and became subjects of the emperors in a sense strikingly similar to that in which our Indian tribes are subject to the sovereign authority of the United States, whilst retaining their tribal character and internal polity. The case was different with the *Ostrogoths*. Their numerous hordes crossed the unguarded Danube without permission of the Romans, not long after the passage of the Visigoths, joined the latter in their ravages, assisted them in the destruction of Valens and his army, and then made a "voluntary

retreat" from the Danubian provinces. They returned some four years later, accompanied by other barbarians, and, in their attempt to recross the Danube in the night-time, were overwhelmed by the Romans, who distributed the remnant of their number in Lydia and Phrygia.¹

In view of the fact that the Ostrogoths—who accompanied the Visigoths in their rapine, and aided them in crushing Valens and his army—*did* recross the Danube, there seems to be small ground for the harsh and illiberal criticism of Gibbon upon the probable, but apparently casual, error of Montesquieu.

We shall find more interest, however, in noticing, more particularly than Montesquieu has done in the preceding chapter, the subject of the division of the empire into two parts, and the question of the actual extent and probable population of ancient Rome.

I. Following the authority of Orosius and Aurelius Victor, Montesquieu states that the empire was actually divided in the time of Galerius and Constantius, the immediate successors of Diocletian and Maximian. Gibbon notices and discredits this view of our author. "It is difficult, however, to discover," he says, "in what respect the plan of Galerius differed from that of Diocletian."² But the conceptions of Gibbon himself, and, I may add, of historical writers gen-

¹ Gibbon's *Rome*, New York, 1852, vol. iii, ch. xxvi, but especially pp. 31-33, 35, 42, 43, 49, 50, 63, 66, 68, and note 136.

² *Idem*, ch. xiv, note 1.

erally, are by no means clear and distinct on the subject of the division of the Roman empire. The common idea appears to be that the empire was voluntarily resolved into two *States*, with much vague assertion as to when this took place. By some it is referred to the time of Diocletian, and his institution of the Eastern and Western *Augusti*, and their respective *Cæsars*.³ Others, whose view, as we have seen, Montesquieu represents, refer it to the reign immediately succeeding that of Diocletian. Gibbon directs his attention to still later dates. He first says that Valentinian and Valens—A. D. 364—"executed the solemn and final division of the Roman empire"; and afterwards he characterizes the division which was made by Arcadius and Honorius—A. D. 395—as the "final and permanent division of the Roman empire."⁴ There could hardly be two "final" divisions.

Two classes of facts appear to me to shed much light on the real significance of the successive partitions which were made of the Roman provinces:

1. After those divisions commenced to be made, which are variously referred to as amounting to a severance of the empire, the whole of it was repeatedly united under a single ruler—as under Constantine, under Julian, and finally under Theodosius the Great, only about eighty years before the extinction of the Western empire.⁵

³ Chambers' *Enc.*, art. *Rome*.

⁴ Gibbon, vol. ii, p. 529; vol. iii, p. 165.

⁵ Gibbon, vol. iii, p. 127.

2. There is much evidence which tends to show that the idea of the *legal unity* of the empire was not effaced from the Roman mind. Thus, after the division which was made by Valentinian and Valens, the legal proceedings of the Roman world ran in the names of both the emperors, and that of Gratian, the associated *Augustus* of the West.⁶ After the death of Valens, Gratian, then emperor of the West, conferred the Eastern empire upon Theodosius.⁷ In like manner, two among the very last of the Western emperors—Anthemius and Nepos—were set up by the court of the East; and the expiring act of the Western empire—after the forced abdication of Augustulus—was the sending a deputation from the Roman senate to the Eastern emperor Zeno, recognizing him as the sole head of the entire empire, and praying him to invest Odoacer—under the title of Patrician—with the government of Italy.⁸

On the whole, therefore, it would seem that the separation of the empire into Eastern and Western is to be regarded, less as constituting two completely independent states, than as a division in the administration of one—certainly so at times.

II. Ancient Rome, judged by the area of the walled enclosure, was not very remarkable for its size. From a comparison of different accounts, it seems doubtful whether its walls ever exceeded 12 miles

⁶ *Idem*, vol. ii, pp. 591, 592.

⁷ *Idem*, vol. iii, pp. 56–58.

⁸ *Idem*, pp. 512, 513; but compare *idem*, p. 350.

and 345 paces in extent, whilst the walls of the modern city measure $12\frac{3}{4}$ miles.⁹

And, as the imaginary magnitude of the walled enclosure of the city has been very considerably diminished by modern measurements, so the imaginary magnitude of its former population may be brought within the limits of reasonable probability. De Quincy, Lipsius, and Isaac Vossius have supposed very large numbers, the first placing the population at no less than from four to six millions, and the latter two raising it as high as from four to fourteen millions.¹⁰ These estimates—especially in the direction of their higher extremes—must be regarded as tending decidedly to exaggeration; and the calculation of Gibbon, by which he infers a population of only about 1,200,000, appears to me to err quite decidedly in the opposite direction—and this, although his conclusion has the valuable approval of Milman.¹¹ The manner in which he reaches his result is open to the observation that it is based upon a method which yields greatly different results at different times. The fact happens to be well attested that in the time of Theodosius the entire number of houses which Rome contained was 48,382. If it were known what number of persons ought, on the aver-

⁹ See Gibbon's *Rome*, New York, 1852, vol. iv, p. 161, and note 77, together with Milman's accompanying note; see also Hume's *Phil. Works*, Boston, 1854, vol. iii, note on pp. 470, 471.

¹⁰ *The Cæsars*, Boston, 1854, pp. 1, 2; Gibbon's *Rome*, ch. xxxi, note 66.

¹¹ Vol. iii, pp. 265–267.

age, to be assigned to each house, the population could be readily approximated. As, however, this factor is unknown, Gibbon supplies it supposititiously by adopting and applying to Rome the average which was observed for Paris in his time. M. de Messance had assigned to the latter city 23,565 houses, and a population of 576,630.¹² This would give about 25 inhabitants to the house—an average which, multiplied into the known number of houses in Rome during the time of Theodosius, would disclose a total population of about 1,200,000. Such is Gibbon's method.

But, in 1866, Paris contained 1,825,274 inhabitants, and about 45,000 buildings, a disparity of numbers which calls for $40\frac{56}{100}$ inhabitants to the building; and, adopting this for the average of the houses of Rome, the population of the latter would approach closely to 2,000,000. The process which has gone on in Paris, by which the mean number of persons to the house has increased with the number of the houses and the magnitude of the population, undoubtedly took place in Rome also, and is likely to be a law, applicable in some degree to all growing cities, although it is plain that, when this mean number gets to be large, it will increase very slowly, and ultimately find a limit. As regards the proximate determination of the population of Rome at the time of Theodosius, the only question is as to whether we

¹² *Idem*, p. 267, note 72.

should adopt the higher or lower of these Parisian averages, or some intermediate one. Guided by the similar number of houses contained by Rome at the time stated, and by Paris in 1866, and assigning a just value to the known habit in both cities, especially in Rome—of piling them story above story to great heights—there appears to be conclusive grounds for preferring the larger average, which conducts us to a probable population of about 2,000,000 for the ancient city proper. But we must not leave out of view the widely extended suburbs of Rome at the period of its greatest prosperity; and, when these are taken into account, it appears quite safe to infer a total contiguous population much larger than that of our present Paris, and approaching that of our present London.

It is curious to compare the ratios between population and number of dwellings, thus known for modern Paris and rationally inferred for ancient Rome, with the like ratios in some other cities, in which urban life has been influenced by widely different social ideas. In 1861 London contained 330,237 “inhabited houses,” and a population of 2,803,034, which shows an average of but $8\frac{48}{100}$ inhabitants to each house. The United States census for the year 1870 shows that the city of New York contained 64,044 dwellings, 942,292 inhabitants, and $14\frac{72}{100}$ persons to a dwelling; that Philadelphia contained 112,366 dwellings, 674,022 inhabitants, and an average of $6\frac{1}{10}$

persons to the dwelling; that the like average for Boston was $8\frac{46}{100}$, for Brooklyn $8\frac{64}{100}$, for Baltimore $6\frac{63}{100}$, for Cincinnati $8\frac{81}{100}$, for Chicago $6\frac{70}{100}$, for St. Louis $7\frac{84}{100}$, for New Orleans $5\frac{69}{100}$, and for San Francisco $5\frac{77}{100}$.

This series of Anglo-American statistics indicates a wide departure from the Roman and Parisian habit of crowding many persons into one building.

Berlin, on the other hand, approaches much nearer to, and Vienna even exceeds, the supposed Roman standard. In 1867 Berlin contained 33,883 buildings, exclusive of churches and chapels, and a population of 702,437, inclusive of the stationed military, which gives an average of $20\frac{73}{100}$ persons to each building. Vienna, in 1869, contained about 11,000 houses, with a population of 632,127, including its garrison, thus showing the very high average of $57\frac{46}{100}$ inhabitants to the house.¹³

It would seem, therefore, that the city life of the ancient Romans, like the city life of modern Frenchmen and Germans, was considerably more "gregarious" than that of Englishmen and Americans is found to be.

¹³ For the recent statistics of modern cities here given, see Meyer's *Hand-Lexikon des Allgemeinen Wissens*, 1872, arts. *Paris* and *Berlin*; Chambers' *Enc.*, Phila., 1873, art. *London*; *Compendium of the Ninth Census of the United States*, Washington, 1872, p. 543; and *Deutsch-amerikanisches Conversations-Lexikon*, N. Y., 1874, Lieferung 107, art. *Wien*.

CHAPTER XVIII.

NEW MAXIMS ADOPTED BY THE ROMANS.

SOMETIMES the cowardice of the emperors, often the weakness of the empire, led to the policy of pacifying, by means of money, the nations that threatened invasion.¹ But peace cannot be purchased; for those who have once sold it have only placed themselves in a better condition to compel its purchase again.

It is wiser to incur the risk of a disastrous war than to give money for peace; for men always respect a prince when they know that he can only be conquered after a long resistance.

Besides, such gratifications were changed into tributes. Free in the beginning, they grew to be compulsory. They came to be regarded as acquired rights; and whenever an emperor refused them to any people, or desired to give less, they became mortal enemies. Among a thousand examples of this, the army which Julian led against the Persians was pursued in its retreat by the Arabs, to whom he had refused the

¹ At first, all was given to soldiers; afterwards, all was given to enemies.

customary tribute;² and shortly afterwards, during the reign of Valentinian, less valuable presents than ordinary having been offered to the Alemans, they became indignant; and these nations of the North, already governed by the point of honor, avenged themselves of this pretended insult by a cruel war.

The wealth of the Romans was gradually absorbed by all the nations which were distributed around the empire in Europe and Asia;³ and, as they had aggrandized themselves by appropriating the gold and the silver of all the kings, they were now impoverished by the transfer of *their* gold and *their* silver to other peoples.⁴

The faults which statesmen commit are not always voluntary. They are often made necessary by the situation; and inconveniences give rise to inconveniences.

As we have already seen, the military had become a very heavy charge upon the state. The soldiers received three sorts of compensation — the ordinary pay, the recompense at the end of their term of service, and occasional liberalities — which

² AMMIANUS MARCELLINUS, lib. xxv.

³ *Idem*, lib. xxvi.

⁴ "Do you desire wealth?" said an emperor to his discontented army; "behold the kingdom of Persia, and march thither in quest of it. Believe me, that of all the vast treasure which the Roman republic possessed, nothing now remains; and the evil is chargeable to those who have taught princes to purchase the peace of barbarians. Our finances are exhausted, our cities destroyed, our provinces ruined. An emperor who knows no other good than that of the soul is not ashamed to confess an honest poverty." (*Idem*, lib. xxiv.)

last, among men who held both the emperor and the people in their hands, very often assumed the character of rights.

The inability of the state to meet these charges led to the employment of a soldiery which was less costly. Treaties were entered into with barbarous nations—nations which were free from the luxury of the Roman soldiers, and which possessed neither the same spirit nor were influenced by the same pretensions.

And there was still another convenience connected with this arrangement. As it was the habit of the barbarians to fall suddenly upon a country, without stopping to make any preparations after they had resolved to move, it was difficult to levy troops in the provinces in time to meet them. The emperors therefore availed themselves of another body of barbarians, who were always ready to receive money, to pillage, and to fight against each other. Thus they were relieved for the moment; but in the course of time they found it as difficult to restrain their auxiliaries as their enemies.

The early Romans did not give place in their armies to a greater number of auxiliary than Roman troops;⁶ and, although their allies were properly speaking their subjects, they would not have subjects who

⁶ This is an observation of Vegetius; and it appears from Livy that, if the number of the auxiliaries was sometimes in excess, it was only to a very small extent.

were more warlike than themselves. But, at the time of which we now speak, they not only disregarded this proportion as to their auxiliary troops, but they even filled up their national corps with barbaric soldiers.

Thus, they established usages which were exactly the reverse of those which had rendered them masters of the world; and, as it was formerly their constant policy to reserve the military art to Romans, and to deprive all their neighbors of the advantages of that art, they now abandoned it among themselves and established it among others.

Behold, in a word, the history of the Romans: they conquered all nations by their maxims; but when they had done so, their republic could not stand; a change in the form of their government became necessary; and the maxims which were adopted under the new government—contrary to the first—caused their empire to fall.

The world is not ruled by fortune. We may appeal to the Romans, who experienced a continual succession of prosperities whilst they governed themselves upon a certain plan, and an uninterrupted series of reverses when they conducted themselves upon another. There are general causes, moral and physical, which act upon every monarchy, building it up, maintaining it, or casting it down. All accidents are submitted to the control of these general causes; and, if the hazard of a battle—that is to say, a par-

ticular cause—has been sufficient to ruin a State, there was a general cause which determined that such State should perish by a single battle. In a word, the principal movement of events draws with it all particular accidents.

We see that for well-nigh two hundred years the infantry of Denmark has been all but uniformly beaten by that of Sweden. Independently of the courage of the two nations, and of the particular arms which they employ, there is necessarily some hidden vice in the military or civil government of the Danes which has produced this effect; and I do not think it is difficult to discover.

The Romans finally lost their military discipline, and even abandoned the use of their own proper arms. Vegetius says that the soldiers, finding them too heavy, first obtained leave of the Emperor Gratian to abandon the cuirass, and afterwards the helmet; so that, exposed without protection to the strokes of the enemy, their only thought was flight.⁶

Vegetius adds that they also lost the custom of fortifying their camps, and that, in consequence of this neglect, their armies were captured by the cavalry of the barbarians.

The early Romans had but little cavalry. It only constituted the eleventh part of the legion, and very often less. It is extraordinary that they had much less cavalry than we find in our present

⁶ *De Re militari*, lib. i, ch. xx.

armies, which have so many sieges to make—in which cavalry is of little use. When, however, the Romans were in their decline, their military force consisted almost wholly of cavalry. It appears to me that the wiser a nation becomes in the art of war, the more it will rely upon infantry, and that the less it knows of this art the more it will multiply its cavalry. The reason is that infantry, whether heavy or light, is nothing without discipline, whilst cavalry, however disorderly, is constantly in motion.⁷ The action of the latter consists more in its impetuosity, and in a certain shock; that of the former in its resistance, and in a certain immobility: it is rather reaction than action. In short, the force of cavalry is momentary; infantry acts during a longer time; but, in order to render it capable of such protracted action, discipline is necessary.

It was not solely by the art of war, but also by their prudence, their wisdom, their constancy, their love of glory, and their patriotism, that the Romans had attained the supremacy of the world. When, under the emperors, all these virtues had disappeared, they still retained their military art, by means of which, notwithstanding the feebleness and the tyranny of their princes, they yet preserved what they had acquired; but, when corruption pene-

⁷ Without observing any of our military maxims, the cavalry of the Tartars has achieved great things in all ages. See the accounts of these people, and especially that of the last conquest of China.

trated to the military itself, they became the prey of all nations.

An empire which is founded by arms needs to be sustained by arms. But, as when a state is in trouble men cannot imagine how it can extricate itself, so, when it is at peace, and when its power is respected, it does not enter into their minds that this state of things can change: they therefore neglect, and even often seek to weaken, the military, from which they believe they have nothing to expect, and all to fear.

It was an inviolable rule among the early Romans that whoever had abandoned his post, or left his arms in battle, should be punished with death. Julian and Valentinian had, in these respects, re-established the ancient penalties. But the barbarians who were taken into the Roman service—accustomed as they were to make war as the Tartars do at the present day, to fly in order to continue the combat, and to seek plunder more than honor—were incapable of such discipline.⁸

Such was the discipline of the early Romans, that we have seen generals condemn their own sons to death for having gained a victory without orders; but, when they came to be mixed with the bar-

⁸ They would not subject themselves to the labors of the Roman soldiers. See *Ammianus Marcellinus*, lib. xviii. He states, as an extraordinary circumstance, that they did, on one occasion, submit to these labors, in order to please Julian, who desired to put some places in a state of defence.

barians, they contracted that spirit of independence which marked the character of these nations; and, if we read the history of the wars of Belisarius against the Goths, we shall see that the general was nearly always disobeyed by his officers.

Even amid the fury of the civil wars, Sylla or Sertorius would have perished sooner than to have taken any step which might have been advantageous to Mithridates;⁹ but at a later age, whenever a minister of state or some great personage came to believe that his avarice, his revenge, or his ambition would be gratified by the introduction of the barbarians, he immediately gave them the empire to ravage.¹⁰

There is no state which is in greater need of revenue than one which is growing weaker; so that it is necessary to increase the public burdens in proportion as there is less ability to sustain them. The tributes levied upon the Roman provinces soon became intolerable. For an idea of the horrible exactions which were imposed upon the people, it is necessary to consult the pages of Salvian.¹¹ The

⁹ This statement is not accurate as to Sertorius. He sent some troops from Spain to aid Mithridates. See note 1, ch. vii, of this work, and Plutarch's *Life of Lucullus*.—TRANSLATOR.

¹⁰ This was not at all astonishing, in that mixture which had taken place with nations which had been wanderers, which knew no country, and among whom entire corps of troops often joined the enemy by whom they had been vanquished, and took arms even against their own nation. See in Procopius what the Goths were under Vitiges.

¹¹ See the whole of Book V, *De Gubernatione Dei*; see also, in the

citizen, pursued by the farmers of the revenue, had no other resource but to seek refuge among the barbarians, or to surrender his liberty to the first person who would accept it.

This condition of things will serve to explain, in our French history, the patience with which the Gauls suffered a revolution to take place which was calculated to work that grievous change which is involved in the conversion of a noble nation into a nation of serfs. In rendering so many citizens slaves of the glebe—that is to say, of the fields to which they were attached—the barbarians did but little which had not been more cruelly done before them.¹²

embassy written by Priscus, the discourse of a Roman established among the Huns, upon his happy condition in that country.

¹² See Salvian again, lib. v ; and the laws of *The Code and the Digest*, in relation thereto.

NOTE BY THE TRANSLATOR.

IN order to the attainment of a truly rational appreciation of Roman history in all its principal features, it is needful that we should form a somewhat completer idea of the important subject of taxation, as it existed among the Romans, than is given in the brief hint of Montesquieu at the close of the preceding chapter. By adhering to strict generality, this may be done within the compass of a few paragraphs.

I. As regards the *subject matters* of taxation, there are probably few sorts of tax known to modern times which were not anticipated by the Romans at one period or another of their history; and they resorted to some which have disappeared from civilized societies. They had import and export duties; tithes for the use of the public arable lands; a tax for the use of the public pasture grounds; tolls for the passage over bridges; a tax upon salt; a tax in kind upon corn, upon barley, upon wine, upon oil, upon meat, upon wood, upon iron; a tax upon legacies, upon inheritances, upon sales; a tax upon the value

of manumitted slaves ; a capitation tax ; a land tax ; a tax upon the wages of prostitution, and a tax upon a commodity which I will not here set down. The Roman legislator was fertile in the discovery or invention of forms of taxation.

II. As to their *method of collecting taxes*, it was altogether more defective than anything of the kind which has retained a place in our modern societies. It seems that during the whole course of their history the principal taxes were collected through the instrumentality of *farmers of the revenue*, or *publicani*, a class of middle men, to whom the public taxes were farmed out or discounted, whose private interest constantly prompted them to vex and oppress the tax-payer, and whose powers, especially in disorderly times, or under bad emperors, enabled them to do so with comparative impunity. The permanent retention of this wretched system of tax-gathering—under the kings, under the republic, and under the empire—clearly indicates the limitation of the Roman genius in the sphere of civil administration. The same or a similar system—inherited from the Romans—long held its place in France, but finally succumbed to the progress of French society : the *fermier general* disappeared in the revolution of 1789.

III. As to the *gross amount* of the annual revenue which the empire collected in its best days, Gibbon supposes that in the time of Augustus it may have been equal to fifteen or twenty million pounds ster-

ling, or, in our money, about seventy-five or one hundred million dollars; whilst Wenck and Guizot appear to prefer, with the authors of the *Universal History*, to place it as high as forty million pounds sterling, or about two hundred million dollars. In the absence, however, of a knowledge of the *purchasing power* of money at the time, neither of these sums can give us any rational idea of the real amount of the Roman revenue. To this end it is necessary that we should know, as Adam Smith expresses it, the "quantity of labor and commodities" which a given quantity of money would purchase among the Romans. Taking wheat as the best representative of commodities—assuming that its price at Rome was the same towards the close of the republic and at the beginning of the empire, accepting Smith's statement that the "ordinary" price of Sicilian wheat under the republic was probably eightpence for the Roman modius or English peck, and adopting one dollar per bushel as the present¹ standard gold price for wheat in the United States—the result would be that the twenty million pounds sterling supposed by Gibbon would represent upwards of one hundred and fifty-six million dollars, and the forty millions preferred by others, something more than three hundred and twelve millions of our money. According to modern ideas, either of these sums would appear to be small for an empire extending over such a

¹ 1876.

vast geographical surface, containing one hundred and twenty million people, and supporting a military and naval establishment of four hundred and fifty thousand men. But a large portion of the revenues of the principal modern states goes in payment of interest on immense national debts—a species of burden from which the Romans were free; and the much greater complexity and fruitfulness of modern production of wealth is necessarily associated with a greater complexity and magnitude of expenditure in the form of taxes.

IV. As to the *weight* with which taxation fell upon the Roman citizen, we can with some distinctness trace four periods:

1. From the commencement of Roman history down to the time of the conquest of Macedon the taxes were, on the whole, comparatively light. The continual acquisitions which the state was making during this period of growth—the seizures which it made of the wealth of kings, and the exactions which it imposed upon vanquished nations—served, in a great measure, to meet the demands of the government. This period extended to the year 586 of the city.

2. In the year just stated—which marks the close of the first and the beginning of the second period—all *direct* taxes were taken off; and this exemption continued down to the consulate of Hir-
tius and Pansa, in the year 711 of the city—that

is, during a period of one hundred and twenty-five years. Something more than a century after the direct taxes were thus suspended—that is, in the year of the city 692—the *import duties* were likewise taken off; but these were replaced by Cæsar, probably about fifteen years after their removal, and only about four years before the reimposition of the direct taxes; so that, for about a century and a quarter, the Romans paid no direct tax, whilst for about fifteen years of this time they were charged with no tax of any sort, direct or indirect. For their immunity from the first, they were indebted to the immense spoils of Macedon, brought in by Paulus Æmilius; for their immunity from the second, they were indebted to the still greater spoils of Asia, brought in by Pompey; and it is worthy of remark that, as their condition became such that they could relieve themselves from taxation, they first threw off the direct, and then the indirect tax; and that, when it became necessary to resume these burdens, they took them up in the reverse order—thus disclosing the same preference for a masked rather than an open charge, which we observe in our modern societies.

3. From the time of the reimposition of the direct taxes in the consulate of Hirtius and Pansa to the time of Diocletian, we have about three hundred and twenty-five years, during which the public charges were much heavier than they had previously

been, with an average tendency to grow heavier still.

4. From the time of Diocletian to the closing days of the empire—a period of something less than two centuries—taxation settled like a vampire upon the Roman world, literally absorbing the life-principle of the state. The imperial indictions and superindictions, which we now meet, fell with distractive weight upon agriculture, a branch of industry upon which the Roman power was still more dependent than is the power of any great state at the present time. Sir James Stephen says that the land tax in Gaul rose “to the almost incredible amount of one third of the net produce of the land”; and, as the indiction extended to all the lands of the empire, and was based upon an actual survey as to amount, and classification as to quality, it is presumable that the tax laid upon the Gaulish lands may be taken as a fair sample of the general burden. “The curse of fiscal tyranny,” adds the same writer, speaking of the condition of Gaul, “had depopulated extensive districts, had stricken the land with barrenness, had swept away all the smaller proprietors, had degraded into slaves the actual cultivators of the soil, and had broken asunder the bonds by which the wealthy and the poor had once been united; and now, when the very name and shadow of the empire was departing, the fairest of her former possessions awaited as a helpless prey the

first formidable arm and resolute will which should assert a sovereignty over it." As we might expect, the collection of these ruinous impositions upon the lands of the empire was guarded by legal penalties of monstrous rigor. By a law of the Theodosian Code, death and confiscation of estate was the punishment denounced against the farmer who should attempt to evade the tax. And a certain periodical tax—which was collected upon other industries at intervals of four years—appears to have been equally oppressive. According to Gibbon, "the historian Zosimus laments that the approach of the fatal period was announced by the tears and terrors of the citizens, who were often compelled by the impending scourge to embrace the most abhorred and unnatural methods of procuring the sum at which their property had been assessed." The additional remark of the English historian, that "the testimony of Zosimus cannot indeed be justified from the charge of passion and prejudice," need not reflect the slightest discredit upon the statement of this writer, when read, as it should be, in the light of that law of the Theodosian Code to which I have just alluded—the atrocious inhumanity of which not only shows the wide difference between the fiscal enactments of the Roman emperors and those of our own time, but furnishes a solid ground for belief that shocking cruelty was practiced in the collection of the impositions. Where the legal punishment for the evasion

of taxes is death and confiscation, the employment of the scourge in their collection is by no means improbable.

In short—tracing the power of Rome from its origin to its fall—the tax imposed upon her citizens and subjects was first moderate, then nil, then heavy, and finally crushing.²

² See Gibbon's *Rome*, New York, 1852, vol. i, pp. 189–195; vol. ii, pp. 141–150; Adam's *Rom. Ant.*, Phila., 1872, pp. 45, 46; Cicero, *De Officiis*, lib. ii, c. xxii; Suetonius, *Julius Cæsar*, 43; Stephen's *Lectures on the History of France*, London, 1852, vol. i, pp. 24, 54, 55; Guizot's *Histoire de la Civilisation en France*, tom. i, pp. 50, 51; Smith's *Wealth of Nations*, Phila., 1789, vol. i, pp. 54, 284, 285.

CHAPTER XIX.

GREATNESS OF ATTLA.—CAUSE OF THE ESTABLISHMENT
OF THE BARBARIANS.—REASONS WHY THE WESTERN
EMPIRE FELL FIRST.

SINCE Christianity grew stronger as the empire grew weaker, the Christians reproached the Pagans, and the Pagans arraigned the Christians, as being the cause of the decay of the state. The Christians said that Diocletian had ruined the empire by his policy of associating three colleagues with himself;¹ that each emperor incurred as great expenses, and supported as large armies, as if he had been the sole ruler; and that, the number of those who gave, being no longer justly proportioned to the number of those who received, the burdens of the government had become so oppressive that the cultivated lands, abandoned by the laborers, were grown over with forests. The Pagans, on the contrary, incessantly cried out against the new worship, unheard of until recently; and, as formerly, when Rome was flourishing, the floods of the Tiber and other effects of nature

¹ LACTANTIUS, *On the Death of Persecutors*.

were attributed to the wrath of the gods, so now, when Rome was dying, the public calamities were imputed to the new religion, and to the overthrow of the ancient altars.

In a letter written to the emperors on the subject of the altar of Victory,² the prefect Symmachus makes the most of the popular argument against Christianity—the argument which was consequently the one most capable of misleading. “What,” said he, “can better conduct us to a knowledge of the gods than the experience of our past prosperity? We ought to be faithful to the example of so many ages, and follow our fathers as they so happily followed theirs. Be persuaded that Rome addresses you and says to you: ‘Great Princes! Fathers of your country! respect my years, during which I have constantly observed the religion of my ancestors. It is this religion that has subjected the world to my laws! It was by this that Hannibal was repelled from my walls, and that the Gauls were driven from the Capitol!’ It is for the gods of our country that we supplicate peace; we entreat it in behalf of the indignant gods! We enter into no disputes which are

² In pagan times the altar and the statue of Victory had stood in the senate chamber, and upon this altar the senators were sworn. Gibbon describes the goddess as “a majestic female standing on a globe, with flowing garments, expanded wings, and a crown of laurel in her outstretched hand.” The altar and the statue had been removed by Constantius, replaced by Julian, again removed by Gratian, and now the pagan party sought to have it again restored. (Gibbon’s *Rome*, New York, 1852, vol. iii, pp. 133–136.)—TRANSLATOR.

proper only to idle men; and we offer prayers and not violence.”³

Three celebrated writers replied to Symmachus. Orosius composed his history in order to prove that the world had always been the theatre of as great calamities as those of which the Pagans complained. Salvian wrote a book in which he maintained that it was the disorders of the Christian church which had drawn upon the empire the ravages of the barbarians;⁴ and St. Augustin showed that the City of God was different from that city of the earth in which the ancient Romans had—by means of some human virtues—received recompenses which were as vain as these virtues.⁵

We have said that it was the early policy of the Romans to divide every power that gave them umbrage; but in the course of time they were no longer able to do so. They were powerless to prevent Attila from subduing all the nations of the North. He extended his sway from the Danube to the Rhine—destroyed all the fortifications and works which had been erected upon these rivers—and laid both the empire of the East and the West under tribute. “Theodosius,” he had the insolence to say, “is, like myself, the son of a very noble father; but, by paying tribute to me, he has forfeited his birth-right, and become my slave; and it is not right that

³ *Letters of Symmachus*, Book X, letter liv.

⁴ *The Government of God*.

⁵ *The City of God*.

he, like a bad slave, should set snares for his master.”⁶

“It is not fit,” said he on another occasion, “that an emperor should be a liar. He has promised one of my subjects that he would give him the daughter of Saturninus in marriage. If he *will* not keep his word, I will declare war against him; if he *can* not, and is in such a condition that his subjects dare to disobey him, I will march to his relief.”

We need not suppose it was from moderation that Attila suffered the Romans to exist. He followed the custom of his nation, which led them not to conquer, but to render other peoples tributary to their power. This prince, quartered in the wooden house in which he is represented to us by Priscus,⁸ master of all the barbaric nations, and in some sort master of nearly all the polished nations as well,⁹ was one of the grandest monarchs of whom history

⁶ *Gothic History*, and *Relation of the Embassy*, written by Priscus. It was Theodosius the Younger.

⁷ The utterance of these words grew out of an affair which shows that, however insolent their tone, they carried a merited reproof to a very unworthy monarch. A plot for the assassination of Attila, to which Theodosius the Younger was privy, had been concocted in Constantinople. The conspiracy was disclosed to its intended victim, who at once dispatched an embassy to the Court of the East, where, according to Gibbon's account of the incident, the reproof was administered directly to the emperor, in presence of his courtiers, by an ambassador of the king of the Huns. (Gibbon's *Rome*, vol. iii, pp. 416-418.)—TRANSLATOR.

⁸ *Gothic History*: *Hæ sedes regis barbariem totam tenentis, hæc captis civitatibus habitacula præponebat.* (JORNANDES, *De Rebus geticis*.)

⁹ It appears, from the *Relation of Priscus*, that the idea of imposing tribute upon the Persians also was entertained at the court of Attila.

speaks. We see at his court the ambassadors of the Eastern and the Western empire—come to receive his laws or to implore his clemency. Sometimes he demanded the rendition of Huns who had deserted, or of Roman slaves who had escaped. At other times he desired that some minister of the emperor should be delivered into his hands. He levied a tribute of two thousand one hundred pounds of gold upon the empire of the East.¹⁰ He received the emoluments of a general of the Roman armies. Those whom he wished to reward he sent to Constantinople, in order that they might be loaded with presents—carrying on thus a constant traffic in the fears of the Romans.

He was feared by his subjects, but it does not appear that he was hated by them.¹¹ Prodigiously proud, and yet cunning; fiery in his wrath, and yet knowing how to pardon, or to proportion his punishments to his interests; never making war when peace was sufficiently profitable, he was faithfully waited upon by dependent kings, whilst reserving for himself alone the simplicity of the ancient manners of the Huns. For the rest, one cannot bestow much praise upon the courage of the chief of a nation in which the sons were seized with frenzy at the recital of the warlike feats of their fathers, whilst the

¹⁰ This was an *annual* tribute. (Gibbon's *Rome*, vol. iii, p. 402.)—TRANSLATOR.

¹¹ For the character of this prince, and the manners of his court, Jordanes and Priscus should be consulted.

fathers wept because they were no longer able to imitate their sons.¹²

After the death of Attila, all the barbaric nations were again separated; but the Romans were so feeble that no nation was so weak as to be unable to hurt them.

It was no particular invasion, but all of them together, that ruined the empire. After the invasion which had taken place under Gallus, and which was so general, it appeared to be re-established, for the reason that it had lost no territory; but, step by step, it proceeded from its decline to its fall, until, under Arcadius and Honorius, it sank suddenly down.¹³

In vain had the barbarians been repeatedly driven back into their own countries; they would have gone

¹² It may be of interest to add here the physical portrait of this remarkable barbarian, in whom, on the mental side, we can so distinctly trace the rude lineaments of the spirit of chivalry. Following Jornandes, Gibbon says of the person of Attila: "His features, according to the observation of a Gothic historian, bore the stamp of his national origin; and the portrait of Attila exhibits the genuine deformity of a modern Calmuk; a large head, a swarthy complexion, small, deep-seated eyes, a flat nose, a few hairs in the place of a beard, broad shoulders, and a short, square body, of nervous strength, though of a disproportioned form." (Vol. iii, p. 389.)—TRANSLATOR.

¹³ Montesquieu is not here to be understood as meaning that the Western empire terminated with the reign of Honorius, A. D. 395–423, but simply as characterizing, by a strong expression, the great and sudden collapse which it experienced during this reign, and from which it never recovered. It will be seen that he subsequently speaks of Odoacer as giving the "mortal blow" which finished the empire of the West, thus directing the mind to Augustulus (whom Odoacer set aside) as the last of the Western emperors, and to the year A. D. 476 or 479 as the date of the final catastrophe. (See Gibbon's *Rome*, vol. iii, pp. 512, 513, and note 125.)—TRANSLATOR.

back all the same in order to secure their plunder. In vain were they exterminated; cities were none the less sacked, towns burned, and families killed or dispersed.¹⁴

When one province had been laid waste, the barbarians who came after, finding nothing left, were obliged to pass on to another. At first they only ravaged Thrace, Mœsia, and Pannonia. When these countries had been devastated, they ruined Macedon, Thessaly, and Greece; and thence it was necessary that they should penetrate to Noricum. The empire—that is, the inhabited part of it—continually diminished, and Italy became the frontier.

The reason why the barbarians made no permanent establishment under Gallus and Gallienus was, that they still found countries to pillage.

In like manner, when the Normans—who were the very image of the conquerors of the Roman empire—had ravaged France during many centuries, and when at length they no longer found anything to plunder, they accepted a province which was totally devastated, and divided it among themselves.¹⁵

During the times of which we speak, Scythia being almost wholly uncultivated,¹⁶ its peoples were

¹⁴ The Goths were a very destructive nation. They destroyed all the laborers of Thrace, and cut off the hands of all wagon-drivers. (MALCHUS, *Byzantine History*, in the *Excerpt of the Embassies*.)

¹⁵ See, in the *Chronicles* collected by André of Chesne, the state of this province towards the end of the ninth, and at the beginning of the tenth century. (*Script. Norm. hist. veteres*.)

¹⁶ The Goths, as we have already said, did not cultivate their lands.

subject to frequent famines. They subsisted in part by means of commerce with the Romans, who carried them food from the neighboring provinces of the Danube.¹⁷ The barbarians gave in return the articles of booty which they had obtained by pillage, the prisoners whom they had taken in war, and the gold and silver which they had received as the price of their peace. But, when the empire could no longer afford to pay them tributes sufficiently large to enable them to subsist, they were forced to establish themselves.¹⁸

The empire of the West was the first to fall. The reasons for this were as follows:

After passing the Danube, the barbarians found the Bosphorus, Constantinople, and all the forces of the Eastern empire to their left. This arrested them in that direction, and caused them to turn to the right, in the direction of Illyria, and to push on to the West. There was thus a reflux and a transfer of nations westward. The passes into Asia being

The Vandals called them *Trulles*—the name of a small measure—for the reason that during a famine they sold them such a measure of grain at a very high price. (OLYMPIODORUS, in the *Bibliothèque of Photius*, Book XXX.)

¹⁷ We see in *Priscus' History* that there were trading posts established by treaties along the shores of the Danube.

¹⁸ When the Goths sent a deputation to request Zeno to receive Theodoric, son of Triarius, into his alliance on the same terms which he had accorded to Theodoric, son of Balamer, the senate, after consulting, made answer that the revenues of the state were not sufficient to support two Gothic nations, and that it was necessary to choose the friendship of the one or the other. (*Malchus' History*, in the *Excerpt of the Embassies*).

better guarded, all moved towards Europe; whereas at the time of the first invasion, under Gallus, the forces of the barbarians separated.¹⁹

The empire having been really divided, the emperors of the East, who had entered into alliances with the barbarians, would not break with them in order to succor the emperors of the West. This division of the administration, says Priscus,²⁰ was very prejudicial to the affairs of the West. Thus, the Romans of the East—because of their alliance with the Vandals—refused a fleet to their brethren of the West;²¹ the Visigoths, having formed an alliance with Arcadius, entered the Western empire, and Honorius was obliged to seek refuge in Ravenna;²² and Zeno, with a view of getting rid of Theodoric, persuaded him to invade Italy—which Alaric had already ravaged.

There was a very close alliance between Attila and Genseric, king of the Vandals.²³ The latter feared the Goths.²⁴ He had married his son to the daughter of the Gothic king, and, after having caused her nose to be cut off, he had returned her. It was

¹⁹ The great invasion, or rather invasions, under Decius and Gallus—A. D. 249–253—took place about seventy years before the founding of Constantinople, and consequently before the line of the Bosphorus had been so strengthened as to deflect the whole force of the barbarians upon the European provinces, after they had crossed the Danube.—TRANSLATOR.

²⁰ PRISCUS, Book II.

²¹ *Ibid.*

²² PROCOPIUS, *War of the Vandals*.

²³ PRISCUS, Book II.

²⁴ See JORNANDES, *De Rebus geticis*, cap. xxxvi.

therefore that he united himself with Attila; and the two empires, bound as it were in chains by these two barbaric princes, did not dare to succor each other. The condition of the Western empire was especially deplorable. It had no force upon sea. The entire marine was in the East²⁵—in Egypt, Cyprus, Phœnicia, Ionia, Greece—the only countries in which any commerce was then carried on. The Vandals and other barbaric nations attacked the West on all sides. We learn from Priscus that an embassy of Italians was sent to Constantinople for the purpose of making it known that it was impossible for the Western empire to maintain itself longer without a reconciliation with the Vandals.²⁶

Those who governed in the West were not wanting in policy. They decided that it was necessary to save Italy, which was in some sort the head and the heart of the empire. The barbarians were removed to the frontier provinces, and there located. The design was well conceived and well executed. These nations demanded nothing more than a subsistence. Plains were assigned to them; mountainous countries, defiles, passes over watercourses, and strongholds along the great rivers, were reserved—as was also the sovereignty of the empire.²⁷ Appearances

²⁵ This is especially apparent in the war between Constantine and Licinius.

²⁶ PRISCUS, Book II.

²⁷ For the purpose of fixing a definite conception, by means of a familiar illustration, I will again draw attention to the similarity of the

indicated that the barbaric nations would have been forced to become Romans; and the facility with which these destroyers were themselves destroyed by the Franks, by the Byzantine Greeks, and by the Moors, sufficiently justifies that idea. But this whole system was overturned by a revolution which was more fatal than all the others. The army of Italy—composed of foreigners—exacted the same terms which had been accorded to nations more foreign still. Under Odoacer this army formed an aristocracy which appropriated to itself one third of the lands of Italy; and thus the mortal blow was given to the empire.

In the midst of so many disasters we feel a sad curiosity in following the destiny of the city of Rome. It was, so to speak, without defence; it could be easily reduced by famine; and the extent of its walls rendered it very difficult to defend them. As the city was situated upon a plain, it could be readily carried by storm. Its people—who were extremely reduced in numbers—were without resources. The emperors were compelled to retire to Ravenna, a city formerly defended by the sea, as Venice is at the present day.

Being nearly always abandoned by their sovereigns, the Roman people began to become sovereign themselves, and to make treaties for their own pres-

Indian policy of the United States and the policy of the Romans in settling the barbarians within the limits of the empire. We notice, in both cases, a like reservation of the ultimate sovereign power.—TRANSLATOR.

ervation,²⁸ thus adopting the most legitimate means for the acquisition of sovereign power. It was thus also that the people of Armorica and Brittany began first to live under their own laws.²⁹ ✓

Such was the end of the empire of the West. Rome had grown great for the reason that she had only conducted wars which were successive, each nation, by an inconceivable good fortune, not attacking her until another had been ruined. Rome was destroyed for the reason that all nations attacked her at once, and penetrated her dominions on all sides.

²⁸ Alaric, who besieged Rome during the reign of Honorius, compelled that city to accept his alliance, even against the emperor, who was unable to help himself. (PROCOPIUS, *Gothic War*, Book I.) See ZOSIMUS, Book VI.

²⁹ ZOSIMUS, Book VI.

NOTE BY THE TRANSLATOR.

I. MACHIAVELLI notices the same remarkable feature of the rising power of Rome which is mentioned by Montesquieu at the close of the preceding chapter. He discusses the question whether the Romans, in the acquisition of their empire, were more favored by virtue or by fortune;¹ and, contrary to the opinion of Plutarch and others, he prefers the former hypothesis. "But, whatever may have been the cause," he continues, "it never happened that they were engaged in two very great wars at the same time. It always fell out, on the contrary, that, either at the beginning of one war another was terminated, or at the termination of one another took its rise, as may be readily seen from the succession of their wars; for—leaving aside those which they made before Rome was taken by the Gauls—it is seen that, whilst they fought against the Æquians and the Volscians, no other nations rose against them so long as these peoples remained pow-

¹ Quale fu più cagione dello imperio che acquistarono i Romani, o la virtù, o la fortuna. *Discorsi*, lib. ii, cap. 1.

erful. When they were subdued, the war against the Samnites followed; and, although before this war was finished the Latins rebelled against the Romans, yet, after such rebellion took place, the Samnites were in league with Rome, and, with their army, helped the Romans to chastise the insolence of the Latins. These subdued, the war was renewed with the Samnites; and, after they were beaten in many battles, the war with the Etrurians followed; and this being terminated, the Samnites were again aroused by the passage of Pyrrhus into Italy. As soon as Pyrrhus was repulsed, and had returned to Greece, the first war with the Carthaginians ensued; and no sooner was this ended than all the Gauls on both sides of the Alps conspired against the Romans, until—between Popolonia and Pisa, where the tower of St. Vincent now stands—they were overthrown with immense slaughter. After this the Romans had no war of much importance for the space of twenty years; for they only fought with the Ligurians, and with the remnant of the Gauls in Lombardy; and thus matters stood until the second Carthaginian war, which occupied Italy during sixteen years. This war being concluded with supreme glory, then followed the war with Macedon; and this being finished, next came that of Antiochus and of Asia; after which there remained in the world neither king nor republic strong enough—either singly or all combined—to stand against the Roman power. But, before this

final triumph, whoever will consider the succession of these wars, and the method of conducting them, will not fail to see, mixed with fortune, a virtue and a prudence of the highest order.”²

Quite in harmony with the conception of Machiavelli, it may be added that it is neither matter of astonishment nor proof of “inconceivable good fortune” that in ancient times a conquering state like Rome was not arrested by a powerful and sustained combination of the neighboring states. Such combinations imply a more advanced social condition than existed among the ancient Italian peoples; and thus Rome was permitted, step by step, to acquire ascendancy in Italy. This was accomplished before she arrested the serious attention of the two great outlying powers—Carthage and Greece—the one weakened in its foreign policy by faction at home, the other distracted and preoccupied by mutual jealousies, intrigues, and quarrels. Taking into view the singleness of purpose and the supreme military spirit of Rome on the one hand, and the actual condition of the rest of the world on the other, there is nothing in Roman aggrandizement which violates historical probability.

II. The final extinction of the Western empire marks, in the principal sense, the close of Roman history. From the time of that event, A. D. 476, to the like extinction of the empire of the East, we

² *Discorsi*, lib. ii, cap. i.

have yet the long period of 977 years, which, although justly reckoned as belonging in some sort to Roman history, ought to be accepted as such in a very subordinate and inferior sense. The Eastern empire was Greco-Roman; its ruling ethnic element was the Greek stock; its dominant speech was the Greek language; its ideas, its manners, its genius, were mainly Grecian. The provinces of the East had been conquered, and ruled for several centuries, by the Romans; but, inasmuch as these provinces, at the time the Romans acquired ascendancy over them, were already occupied by an ancient and powerful civilization—much superior to that of Rome herself in nearly all that belongs to taste, science, and intellect—their populations were not nearly so much modified by their conquerors as were the rude and illiterate nations of the West which fell under the Roman sway.³ The old empire of Alexander—first divided under his successors, then swallowed up and long governed by Rome, then detached from the West, under an administration of its own, and then surviving for nearly a thousand years as the representative of the Roman name—preserves under all these changes its original Grecian aspect. It is to the survival of the Roman law in the East, and to the retention of the Latin tongue as the language of the law, that we must mainly look for the rational justification of that general conception which brings the Greek empire with-

³ See Gibbon's *Rome*, vol. i, pp. 44–46.

in the complete circle of Roman history. As restricted, however, to the career and the fate of the Latin stock and its Italian allies, that history virtually runs out with the fall of the Western empire.

It is a curious fact that, more than five hundred years before this event took place, there was already an opinion among the augurs of Rome that the twelve vultures, which Romulus was said to have seen, signified the twelve centuries during which the Roman power was destined to continue; and, from the founding of the city to the total extinction of the empire of the West, we count 1,229 years, the last twenty or more of which being marked by the mere shadow and semblance, rather than by the substance, of power.⁴

III. At the close of an empire of such unequalled fame we may fitly indulge some reflections upon the periods which Nature or Providence assigns to the existence of nations.

Quetelet has a chapter upon "The Average duration of Nations and States,"⁵ in which a curious application of statistics is brought to view, and one which may possibly assume a high value in the future, as a means of helping to more definite conceptions of some of the laws of universal history.⁶ I do not vouch for the accuracy of the periods of

⁴ *Idem*, vol. iii, p. 457; and De Quincey's *Cæsars*, Boston, 1854, p. 250.

⁵ *Durée moyenne des nations et des États*.

⁶ *Du Système Social*, Paris, 1848, pp. 158-164.

duration which he adopts for a number of the nations, governments, and cities of the past, but will only notice in particular that he makes the Roman period a century too short, that he abbreviates the reign of the Roman kings to a like extent, and that, in the light of the investigations of Rosellini, Lepsius, Mariette, and others, his period for Egypt is very considerably too short. He assigns the following values as the respective life-terms of the five following nations:

	YEARS.
Assyria.....	1,580
Egypt.....	1,663
The Jews.....	1,522
Greece.....	1,410
Rome.....	1,129

—the average of which is 1,461 years.

He observes that “Nations necessarily endure longer than States”—by which last term he means *forms of government*; and he assigns the following values for the respective durations of ten ancient governments:

	YEARS.
Greece under kings.....	556
“ “ republics.....	854
Rome under kings.....	145
“ “ republic.....	478
“ “ empire... ..	506
Jews under judges.....	476
“ “ kings.....	920
“ “ republic.....	121
“The three empires formed of the <i>débris</i> of the ancient Assyrian empire”.....	211
The empire of Persia founded by Cyrus.....	206

—showing an average of 448 years.

He notices also the terms of duration of three celebrated cities of antiquity, and gives to them the following values :

	YEARS.
Tyre	680
Carthage.....	701
Syracuse.....	501

—disclosing an average of 627 years.

This leads him to observe the considerably longer duration of the city-republics of Venice and Genoa—the one extending through eleven, and the other through nine to ten centuries.

Here Quetelet approaches, but does not pursue, the comparison of the modern with the ancient world; nor does he attempt to infer any law which may express the general relation of the two in regard to the longevity of nations. I think, however, this may be done.

The nations of modern Europe may be distinctly traced as far back as the fall of the Western empire, and some of them, as for instance the Germans and the French, much farther. It would apparently be quite fair, therefore, to assign to these nations an average term already of 1400 years—a period very nearly equal to that which Quetelet educes for the complete average life-term of the five ancient nations to which he directs his attention. But it is obvious that our modern nations have yet a long future before them. It could be shown, I think, that not one of them has yet reached the climax of its civilization; and it

would seem to follow, accordingly, *that the modern nations promise to be much longer-lived than the ancient.* Nor is it difficult to point out the causes which ought to give rise to such a difference. These causes are principally two :

1. The larger territorial extension of modern civilization, and the consequently lessened store of the world's total barbaric force, combined with the relatively increased influence of the intellectual, moral, and industrial elements in our modern civilized societies, and the consequently diminished influence of the military spirit over them—have very greatly lessened—nay, virtually extinguished—the chance *that any member of the modern family of nations will ever be destroyed by force exerted from without*—an agency of national destruction which was exceedingly active and efficient in ancient times.

2. The larger and more diversified mental results of civilization which are incorporated into the life of the modern nations leads to the remarkable consequence—full of hope for the future of humanity—*that they resist, better than the nations of antiquity did, the corrupting influence of wealth and luxury*—an influence which exerted itself powerfully and rapidly in the work of running down and dissolving the ancient nations.

Both these destructive agencies were displayed upon a gigantic scale in the career of the Romans. With ruthless hand these conquerors effaced the na-

tionalities of numerous peoples. But, grown rich upon the spoils of a vanquished world, they at once succumbed to the corrupting influence of their own great fortune, and then disappeared in their turn beneath the stalwart blows which were given them by the rude nations of the North.

CHAPTER XX.

CONQUESTS OF JUSTINIAN.—HIS GOVERNMENT.

As all these nations entered pell-mell into the empire of the West, they mutually incommoded each other; and the whole policy of the time consisted in arming barbarians against barbarians, a policy which their ferocity and their avarice made it easy to execute. They destroyed each other for the most part before they were able to establish themselves; and thus the empire of the East was left in a condition still to stand.

Moreover, the source of supply had exhausted itself. We cease to see those innumerable armies issuing from the North which at first appeared. After the first invasions by the Goths and the Huns, and especially after the death of Attila, these nations, and those that followed them, came in less force.

When the invading nations, which had first been massed as armies, came to be dispersed as peoples, their power was much diminished. Scattered over the different countries which they had conquered, they were themselves exposed to invasion.

It was under these circumstances that Justinian undertook to reconquer Africa and Italy, and that he did what our Franks accomplished so successfully against the Visigoths, the Burgundians, the Lombards, and the Saracens.

At the time when the Christian religion had been carried to the barbarians, Arianism was in some sort dominant in the empire. Valens had sent them Arian priests, and these were their first apostles. During the interval, however, which intervened between their conversion and their establishment, Arianism had been in a manner extinguished among the Romans; so that, finding the whole Roman world orthodox, the barbaric Arians could never gain the good-will of its inhabitants; and it was easy, therefore, for the emperors of the East to give them trouble.

Furthermore, the art and the genius of the barbarians being but little adapted to the attack of cities, and still less to their defence, they left the walls of fortified towns to fall into ruins. Procopius tells us that Belisarius found those of Italy in this condition. The walls of the fortified cities of Africa had been dismantled by Genseric,¹ as those of Spain afterwards were by Vitisa,² under the idea of being thus more secure of their inhabitants.

Most of these nations from the North contracted at once the luxurious manners of the southern coun-

¹ PROCOPIUS, *War of the Vandals*, Book I.

² MARIANA, *History of Spain*, Book VI, ch. xix.

tries in which they were established, and became incapable of sustaining the fatigues of war.³ The Vandals languished in voluptuous pleasures. A delicate table, effeminate habits, music, gardens, baths, the dance, the theatre, were become necessities among them. As we learn from Malchus,⁴ they no longer gave any inquietude to the Romans⁵ after they had ceased to maintain those armies which Genseric held constantly in readiness, and by means of which he was enabled to anticipate his enemies, and to astonish the world by the facility with which he executed his enterprises.

The cavalry of the Romans was very expert in the use of the bow; but that of the Goths and the Vandals used only the sword and the lance, and could not fight at a distance.⁶ It is to this difference that Belisarius attributes a part of his successes.

The Romans, especially under Justinian, received great assistance from the Huns—the nation from which the Parthians were derived—and whose warriors fought in the same manner. After they had lost their power by the defeat of Attila, and from the divisions which were occasioned by the great

³ PROCOPIUS, *War of the Vandals*, Book II.

⁴ BYZANTINE HISTORY, in the *Excerpt of the Embassies*.

⁵ In the time of Hunneric. (a)

(a) Hunneric was son and successor of Genseric, so quickly did the power of the Vandals decline.—TRANSLATOR.

⁶ See PROCOPIUS, *War of the Vandals*, Book I; and the same author, *War of the Goths*, Book I. The Gothic archers fought on foot, and were but little disciplined.

number of his children, they entered the service of the Romans in the character of auxiliaries, and became their best cavalry.

All the barbaric nations were distinguished from each other by their particular arms, and by their particular manner of fighting.⁷ The Goths and the Vandals were formidable for their use of the sword; the Huns were admirable archers; the Suevi were good infantry; the Alans were heavily armed, the Heruli lightly. The Romans selected from these different nations the diverse bodies of troops which were adapted to their purposes; and thus they made war upon one alone with the advantages of all the others.

It is singular that the weakest nations were those which affected the greatest establishments. We shall be much deceived if we judge of their forces by their conquests. In that long succession of incursions into the empire, the barbaric peoples, or rather the swarms which came from them, destroyed or were themselves destroyed. All depended upon circumstances; and, whilst a powerful nation was being assailed by force of arms, or held in check, a troop of adventurers would penetrate into an unguarded country and commit frightful ravages. The Goths—the disadvantage of whose arms caused them to fly be-

⁷ A remarkable passage in Jornandes gives all these differences; it is on the occasion of the battle between the Gepidæ and the sons of Attila.

fore so many nations — established themselves in Italy, in Gaul, and in Spain. The Vandals, abandoning Spain on account of their weakness, crossed over into Africa, and there founded a great empire.

Against the latter nation Justinian could only equip a fleet of fifty vessels; and when Belisarius disembarked he had no more than five thousand soldiers.* It was a very daring enterprise; and Leo, who had formerly sent an army of a hundred thousand men against the same enemy—borne upon a fleet composed of all the vessels of the East—had not only failed to conquer Africa, but had had occasion to apprehend the loss of his own empire.

These grand fleets, like grand armies on land, have never been very successful. Inasmuch as they exhaust the state if the expedition is a long one, or if some disaster befalls it, they can neither be supplied nor repaired. If a part is lost, the remainder is useless; for the vessels of war, the transports, the cavalry, the infantry, the munitions—in short, the different parts—are dependent upon the whole. In consequence of the slowness with which the enterprise proceeds, the enemy is always found prepared; and, since it seldom happens that the expedition is ready to move at the proper time in the year, it falls upon the season of storms—such vast preparations being

* PROCOPIUS, *War of the Goths*, Book II.

hardly ever completed until some months later than the promised time.⁹

Belisarius invaded Africa. He was much aided in this enterprise by the large store of provisions which he drew from Sicily by means of a treaty which was made with Amalasontha, the queen of the Goths; and, when he came to be sent against Italy, seeing that the Goths derived their support from the same source, he commenced by conquering Sicily. He thus reduced his enemies to famine, whilst his own army was abundantly supplied. He took Carthage, Rome, and Ravenna, and sent the captive kings of the Goths and Vandals to Constantinople, where we see, after the lapse of so long a time, a renewal of the ancient triumphs.¹⁰

We may find in the qualities of this great man the principal causes of his success.¹¹ Being a general who revived all the maxims of the early Romans, he formed an army which was like the ancient armies of Rome. In a state of servitude, great virtues are ordinarily concealed or lost; but the tyrannical government of Justinian could not obscure that superiority of genius, or extinguish that grandeur of soul, which marked the character of Belisarius.

The eunuch Narses also contributed to render

⁹ The Spanish armada and the army of Xerxes are recalled by what is here said.—TRANSLATOR.

¹⁰ Justinian only accorded to Belisarius a triumph for the conquest of Africa.

¹¹ See Suidas, at the article *Belisarius*.

this reign illustrious. Grown up in the palace, he possessed all the more completely the confidence of the emperor; for princes always regard their courtiers as their most faithful subjects.

But the bad conduct of Justinian—his prodigality, his vexations, his rapines—his furor for building, changing, reforming—the inconstancy of his plans, and the cruelty and the weakness of a reign which was made worse by a protracted old age—were the real evils which were mixed with his vainglory and his profitless victories. His conquests—which had for their cause, not the strength of the empire, but certain particular circumstances—ruined all. Whilst his armies were occupied in making them, new nations crossed the Danube and desolated Illyria, Macedonia, and Greece; and the Persians, in the course of four destructive invasions, inflicted incurable wounds upon the East.¹²

The more rapidly these conquests were made, the less solidly were they established. Italy and Africa were scarcely conquered when it became necessary to conquer them again.

Justinian had elevated to the throne a woman who had long prostituted herself upon the stage.¹³ She governed him with an authority that has no example in history; and, mixing incessantly the pas-

¹² The two empires ravaged each other all the more destructively, since neither of them had any hope of preserving the conquests which it made from the other.

¹³ The empress Theodora.

sions and the fancies of her sex with the affairs of the state, she marred the most fortunate victories and successes.

In the East polygamy has prevailed in all ages; and this custom has denied to the women of those countries that prodigious ascendant which they have over us in these climes;¹⁴ but at Constantinople the law of a single wife admitted that sex to empire—and this was sometimes the occasion of weakness in the government.¹⁵

The people of Constantinople were at all times divided into two factions—that of the *blues* and that of the *greens*. These factions took their origin from the preference which the people in the theatre showed for certain actors rather than for others. In the games of the circus, the charioteers who were dressed in green disputed the prize with those who were dressed in blue, and the interest of the spectators amounted to a furor.

These two factions were spread through all the

¹⁴ *En Orient, on a de tout temps multiplié l'usage des femmes, pour leur ôter l'ascendant prodigieux qu'elles ont sur nous dans ces climats.*

¹⁵ Montesquieu probably felt the influence of the Salic law, by which women were excluded from the throne of France. It is likely, however, that the reigns of female sovereigns will, on the whole, compare favorably with the rest. It is certain that a very great majority of those rulers who have merited the name of *monsters* have been men; and as for *weakness*, it would be difficult to point out in the world's history a queen or an empress who was as much so as Heliogabalus. The good sought by monarchy is order in the state, and not personal ability in the sovereign; and, in the realization of this good, experience does not appear to have discriminated against women.—TRANSLATOR.

cities of the empire, and they were more or less furious in proportion to the size of the city—that is, in proportion to the number of idle people.

But divisions—always necessary in a republican government, in order to maintain it—could only be fatal to the government of the Roman emperors; for such divisions only led to a change of the sovereign, and not to the re-establishment of the laws and the correction of abuses.

Justinian, who favored the *blues*, and denied all justice to the *greens*,¹⁶ embittered the two factions, and consequently strengthened both. They went so far as to annihilate the authority of the magistrates. The *blues* ceased to fear the laws, for the reason that they were protected against them by the emperor; the *greens* ceased to respect them, for the reason that they could no longer rely upon them for protection.¹⁷ All the obligations of friendship, of consanguinity, of duty, of gratitude, were thrown off. Families destroyed themselves. Every wretch who desired to commit a crime was of the faction of the *blues*; all who were robbed or assassinated were of the faction of the *greens*.¹⁸

¹⁶ This malady was ancient. Suetonius says that Caligula, who was attached to the faction of the *greens*, hated the people because they applauded the other.

¹⁷ In order to form an idea of the spirit of these times, it is necessary to consult Theophanes, who reports a long conversation which took place in the theatre between the emperor and the *greens*.

¹⁸ Nothing, perhaps, can better illustrate the puerile character of the masses of the Roman people during the decline of the empire than the

A government thus wanting in sense was yet more cruel. The emperor was not content with inflicting general injustice upon his subjects by imposing ruinous public exactions upon them; he harassed them with every species of tyranny in their private affairs. I should not be naturally inclined to believe

excesses which are recorded in connection with these factions of the circus and the hippodrome. They are suggestive of the feuds which we sometimes observe in our modern cities between the "up town" and "down town" boys; and they belong to the same level of mental development. But, when the circumstance is added that even the chiefs of the state—as in the cases of Caligula, Nero, Vitellius, Commodus, Caracalla, Heliogabalus, and Justinian himself—were so identified with factions which involved no principle and no interest, that the administration of public justice came to be corrupted by idle distinctions in the costume of charioteers, we are amazed at the possibilities of human folly. From Constantinople, Gibbon writes, "the pestilence was diffused into the provinces and cities of the East, and the sportive distinction of two colors produced two strong and irreconcilable factions, which shook the foundations of a feeble government. The popular dissensions, founded on the most serious interest, or holy pretence, have scarcely equalled the obstinacy of this wanton discord, which invaded the peace of families, divided friends and brothers, and tempted the female sex, though seldom seen in the circus, to espouse the inclinations of their lovers, or to contradict the wishes of their husbands. Every law, either human or divine, was trampled under foot, and, as long as the party was successful, its deluded followers appeared careless of private distress or public calamity." (*Decline and Fall*, vol. iv, pp. 57, 58.) Originally there were but two colors worn by the charioteers of the Roman circus—the *white* and the *red*; afterwards two others—the *green* and the *blue*—were added; and finally Domitian supplemented two additional ones—the *golden* and the *purple*. "The spectators favored one or the other color, as humor or caprice inclined them. It was not the swiftness of the horses, nor the art of the men, that attracted them; but merely the dress. In the time of Justinian no less than 30,000 men are said to have lost their lives at Constantinople in a tumult raised by contention among the partisans of these several colors." (Adam's *Rom. Ant.*, Phila., 1872, p. 225; and, compare *Gibbon*, vol. iv, p. 56.)—TRANSLATOR.

all that Procopius says upon this subject in his *Secret History*; for the magnificent eulogies upon Justinian which we find in his other works weaken his testimony in this, wherein he paints the emperor as the most stupid and the most cruel of tyrants. But I confess that two considerations induce me to accept the *Secret History*. The first is that its representations harmonize best with the astonishing weakness of the empire at the end of this reign and during those which followed. The other is suggested by a monument which still exists—the laws of this emperor—from which we see that jurisprudence varied more in the course of a few years than it has done during the last three centuries of our monarchy. These changes are for the most part in connection with matters of such little importance¹⁹ that we are unable to discover any reason which should have induced a legislator to make them—unless, indeed, we resort for explanation to the *Secret History*, and conclude that this prince sold equally his judgments and his laws.

But that which inflicted the greatest injury upon the political status of the government was the project of Justinian to reduce all men to the same opinion in matters of religion—and this, too, under circumstances which rendered his zeal wholly indiscreet.

Whereas the ancient Romans had strengthened

¹⁹ See the *Novels of Justinian*.

their empire by tolerating every species of worship, it was at length reduced to nothing, by cutting off, one after another, the religious sects which were not dominant.

These sects were entire nations. Some of them, after having been conquered by the Romans, had still preserved their ancient religion—as, for example, the Samaritans and the Jews. Others were dispersed through particular countries. Thus, the sectaries of Montanus were scattered over Phrygia, whilst the Manichæans, the Sabatians, and the Arians were distributed in other provinces. Besides these, a large part of the rural population were yet idolaters—in-fatuated with a religion as gross as themselves.

Justinian destroyed these sects by the sword or by his laws. In driving them to revolt, he entailed upon himself the necessity of exterminating them; and thus many provinces were laid waste. He believed that he had increased the number of the faithful; he had only diminished the number of men.

Procopius informs us that by the destruction of the Samaritans Palestine became a desert; and a singular interest is lent to this fact by the circumstance that, through zeal for religion, the empire was thus weakened upon the very side by which, some reigns later, the Arabs penetrated for the purpose of destroying it.

It is in the last degree discouraging to know that, while the emperor carried his intolerance so far, he

did not himself agree with the empress upon the most essential points of doctrine; *he* followed the council of Chalcedon; *she* favored those who were opposed to that council—whether, as Evagrius says, this opposition of views existed in good faith, or was the result of design.²⁰

When we read Procopius's account of the edifices of Justinian, and consider the strongholds and the fortifications which he caused to be erected all over the empire, we are constantly under the influence of an idea—but a very false one—that we are contemplating a flourishing state.

At first the Romans had no fortified places. They relied wholly upon their armies, which they posted upon the shores of the rivers, along which, from point to point, they built towers for the lodgment of the soldiers. But when they no longer had good armies—when often they even had none at all—the frontier ceasing to defend the interior, it became necessary to fortify; and then there were more strongholds and less strength, more retreats and less security.²¹ The country being no longer inhabitable

²⁰ Book IV, ch. x.

²¹ Augustus had established nine frontiers or marches. Under the succeeding emperors the number of these was increased. The barbarians showed themselves where they had not appeared before; and Dion, in Book LV, relates that in his time—under the reign of Alexander—there were thirteen. We see by an account of the state of the empire, written after the time of Arcadius and Honorius, that there were fifteen in the Eastern empire alone. The number constantly increased. Pamphylia, Lycaonia, and Pisidia became marches; and the whole empire was covered with fortifications. Aurelian had been obliged to fortify Rome.

except in the neighborhood of fortified places, these were multiplied everywhere. It was the same as in France during the time of the Normans;²² and France was never so weak as when all her towns were surrounded by walls.

Thus, the numerous fortifications which Justinian erected—the names of which cover entire pages in the work of Procopius—are only to be regarded as monuments of the weakness of the empire.

²² And of the English.

NOTE BY THE TRANSLATOR.

IN the whole course of the preceding chapter Montesquieu places a very low estimate upon Justinian, and accords him no credit whatever. A more accurate measure of justice would appear to be that, whilst in many respects the reign of this monarch should be condemned as weak, cruel, and despicable, his fame, on the other hand, should be regarded as in some degree redeemed by the care which he took—or allowed to be taken—to embody and perpetuate the Laws of the empire. The Code, the Pandects, and the Institutes are immortal monuments of ancient law; they constitute the principal *nexus* through which the juridical ideas of the Romans are connected in one unbroken whole with the juridical ideas of modern societies; and thus it is that the otherwise soiled and dishonored name of Justinian is irrevocably associated with a body of law the sphere of whose authority or influence is coextensive with the ancient and the present limits of civilization.

No conception of the “Grandeur” of the Romans can be complete which does not include some estimate

of the comparative value of their system of law on the plane of universal history. It is remarkable that Montesquieu—himself a lawyer and a judge—should have made so capital an omission.

In the career of a great nation, certain consequences of an exceptional character ought to be found connected with an exceptionally wide range of dominion and power.

One of the results of the prodigious expansion of the Republic and Empire, and the consequent magnitude and number of the social facts which entered into the aggregate of the Roman national life, was that the intellectual development of Rome, in the province of *historical* thought, was probably superior to that of Greece herself.¹

Another result of the same general cause was that, in the province of *law*, the Romans stood beyond the reach of comparison with any other ancient people. Progressively absorbing as they did all the civilized nations of Europe, Africa, and Southwestern Asia, their genius for administration and civil rule, like their power in arms, became supreme. Their system of law was more thoroughly cogitated, more composite and mature, more universal in the grasp of its principles, and more rational in the composition of its parts into a single whole, than any other juridical system known to antiquity; and the result is that the purely legal influence exerted by

¹ See Comte's *Philosophie Positive*, Paris, 1869, tom. v, p. 194.

the Roman law upon modern societies is much greater than that which comes from all other ancient sources together.

The law of the Romans—like their empire—had its infancy, its growth, its culmination, and decline. Combining the analysis of Gibbon and the prefatory emendation thereof made by Professor Hugo, the history of Roman jurisprudence may be divided into four periods, quite distinct in their general character, and differing but little in length of time.

The first period—extending from the foundation of the city to the adoption of the Twelve Tables—embraces about 303 years; the second—extending from the adoption of the Twelve Tables to the birth of Cicero—includes 343 years; the third—extending from the birth of Cicero to the close of the reign of Alexander Severus—embraces 342 years; and the fourth—extending from the death of Alexander Severus to the death of Justinian—covers a space of 330 years. The first of these periods is Hugo's; the last three, Gibbon's.²

1. During the first of these epochs the Roman law was in its stage of semi-savage infancy. Towards the close of the epoch it *may* have been in some part written; but it certainly consisted mainly of unwritten customs down to the end of the period. The *Jus Papirianum*—so named from its

² See Gibbon's *Rome*, N. Y., 1851, vol. iv, pp. 319, 320, and Warnkönig's note on p. 320.

reputed compiler, Papirius — was the most ancient written collection of Roman law for which there is any claim; and it is supposed to date from about the time of the expulsion of the kings. Its authenticity is doubted by Gibbon, and asserted by Niebuhr. Among the Romans, as among other ancient nations, the date of the first employment of letters by the legislator is vague and indeterminate; and the very fact that the case is so marks the doubtful interval as one during which both the manners and the laws of the nation were yet in a very rude state.³

2. At the opening of the second epoch the law was fixed in a written code—that is, in the famous Twelve Tables—which, according to the theory of the Roman lawyers, as tersely expressed by Livy, became “the fountain of all public and all private rights”—*fons omnis publici, privatique juris*. In the entire course of this epoch there is yet no name which rises to the first order of eminence in connection with the law as a science apart. Jurisprudence was not yet sufficiently *differentiated* from arms to admit of this; and Cato the Censor may be taken as the typical representative of the jurisconsults of the period—proud, ignorant, narrow, and barren.

3. The third epoch was—to use the words of Gibbon—“the learned and splendid age of jurisprudence.” It is during this period that we find al-

³ *Idem*, p. 302, and notes; Arnold's *History of Rome*, ch. xiv.

most the whole of the jurisconsults of the highest order—Quintus Mucius, Cervidius Scævola, Servius Sulpitius, Gaius, Papinian, Paulus, and Ulpian.

4. The fourth epoch was one of decline in the law, and it is only adorned by a solitary name which may claim eminence of the first order—that of Tribonian, the presiding genius of the Code, the Pandects, and the Institutes, of Justinian.

In allusion to the studies of the Roman lawyers, and in view of “the multitude of voluminous civilians,” Gibbon thinks “it is evident that such studies may be pursued, and such works may be performed, with a common share of judgment, experience, and industry.” “The genius of Cicero and Virgil,” he adds, “was more sensibly felt, as each revolving age had been found incapable of producing a similar or a second; but the most eminent teachers of the law were assured of leaving disciples equal or superior to themselves in merit and reputation.”⁴

This opinion of Gibbon appears to be open to criticism. Diligent dullness, dealing with the law as an empirical art, may indeed do much in a purely practical way; and the reputations thus made are as numerous as they are short-lived and cheap. But, supreme *rational* intelligence is probably as rare in the domain of the law as it is in other fields of thought; and the Roman jurists who have been set apart as first-class by the common consent of the

⁴ Vol. iv, p. 321.

learned in all countries are scarcely more numerous than the great Latin poets and orators.

Viewed as a single phenomenon, developing in time, the Roman law is deeply marked by two fundamental characters. On the one hand, it is largely made up of "survivals" from the barbarous state of society in which it took its origin; and on the other, it gradually drew to itself and appropriated more enlightened principles of justice.

Of the first sort, we have good illustrations in the power which the law gave to the father to sell his children or to put them to death; in the like power, coupled with the one-sided and absolute liberty of divorce, which it gave to the husband over the wife; in the power of life and death which it gave to the master over his slaves; and in the power which it conferred upon creditors either to cut in pieces the body of their insolvent debtor, or to sell him into slavery among foreigners. These, and similar elements of Roman law, are striking instances of savage "survival," carried along by the state in its advance from its rude primitive condition, and gradually falling into desuetude as its civilization improved.⁵

Of the second sort, we have a fine illustration in the capital legal conception that all human law ought

⁵ Table IV, 1; Cooper's *Justinian*, Phila., 1812, p. 411; Table III, 6; Gibbon's *Rome*, vol. iv, pp. 348, 372, and notes 106 and 178 to ch. xliv.

to be brought into conformity with the law of nature—a recognition of the “Higher Law” which laid at the foundation of the great and solid jural progress which the Romans made. It may be added that, as regards *liberty*, the theory of the Roman law was even superior to the theories of the most eminent of the Greek philosophers. Plato, in his ideal Republic, simply recommends—for an expedient reason—that there should be no slaves of *Hellenic* blood. Aristotle regards liberty and slavery as conditioned upon capacity,—nature, in his view, designing some men for a state of slavery, and others for a state of freedom. But the Roman lawyers rose to the simple and uniform conception that, by the Law of Nature, Liberty is the status of all men, and that slavery, in contravention of this law, derived its origin from the usages of war; “for wars ensued, and from these sprang captivity and slavery, which are contrary to natural justice; for by the law of nature all men are born free.”⁶

These great jural conceptions—by which the Law of Nature is held up as the ideal standard of all legal excellence, and by which that law is interpreted as the perpetual sanction of Universal Liberty—must take their place among the most precious products of civilization; and they have exerted

⁶ *Bella etenim orta sunt, et captivitates secutæ, et servitutes, quæ sunt naturali juri contrariæ: jure enim naturali omnes homines ab initio liberi nascebantur. Inst., lib. i, tit. ii, 2.*

a very deep and widespread influence upon modern societies.⁷

Thus, in the most comprehensive view which can be taken of the subject, Roman law is to be regarded as a connecting link between the ancient Barbarism of Europe and modern Civilization. Under the one relation, it participates largely of the character impressed upon it by its rude origin; under the other, it anticipates much of what is best in modern law. Taken in connection with what went before, and what has come after, this system of law represents the middle stage of a vast progressive movement, of which the first stage is represented by the archaic legal ideas of primitive Europe, and the last by the riper legal development of existing societies.

⁷ See Maine's *Ancient Law*, N. Y., 1864, pp. 73, 74; Jowett's *Plato*, N. Y., 1871, vol. ii, p. 296; Aristotle's *Politics*, Book I, chs. 2, 4, 5, and 6.

CHAPTER XXI.

DISORDERS OF THE EASTERN EMPIRE.

At the time which we have now reached, the Persians were in a better condition than the Romans. They had little to fear from the nations of the North,¹ for they were separated from the latter by that part of Mount Taurus which extends between the Caspian and the Pontus-Euxine; and this mountain-chain was only traversed by a single narrow gap, which was closed by a gate² and held by the Persians. This was the only route by which cavalry could pass. In attempting to penetrate at any other point, the barbarians were compelled to descend precipices, and thus to abandon their horses, which constituted their entire force; and they were still further arrested by the Araxes, a deep river flowing from west to east, the passes of which were easily defended.³

In addition to this, the Persians were quiet on their eastern frontier; they were bounded on the south by the sea; and they could readily keep alive

¹ The Huns.

² The Caspian gates.

³ PROCOPIUS, *War of the Persians*, lib. i.

the divisions which existed among the Arabic princes, whose only thought was to pillage each other. Properly speaking, therefore, they had no enemy but the Romans. "We know," said an ambassador of Hormisdas, "that the Romans are occupied with many wars, and have to contend against nearly all nations; they know, on the contrary, that we have no wars except with themselves."⁴

In proportion as the Romans had neglected, the Persians had cultivated, the military art. "The Persians," said Belisarius to his soldiers, "do not surpass you in courage; they only have the advantage of you in discipline."⁵ They had acquired the same superiority in negotiation as in war. Under pretext that they maintained a garrison at the Caspian gates, they demanded tribute of the Romans—as if it did not devolve upon each nation to guard its own frontiers. They exacted pay for peace, for suspensions of arms, for the time consumed in negotiations, and for the time spent in war.

The Avars having crossed the Danube, the Romans, most of the time, had no troops to oppose them;

⁴ *Embassies of Menander.*

⁵ Hormisdas was a Persian prince, who became a fugitive, and was contemporary with Constantine, Constantius, and Julian.—TRANSLATOR.

⁶ In view of the fact that these so-called *Romans* were still engaged in so many more wars than the Persians, it may seem strange that the latter had come to be superior to the former in military discipline; the explanation lies in the fact that the old Roman stock, discipline, and spirit, had well-nigh disappeared, and that the *material* of the armies of the empire was greatly inferior to what it had been in former times.—TRANSLATOR.

and, occupied as they were with the Persians when it was necessary to meet the Avars, and with the Avars when it was necessary to arrest the Persians, they were again forced to submit to a tribute; and thus the majesty of the empire was tarnished before the eyes of all nations.

The emperors Justin, Tiberius, and Maurice⁷ labored with care in defence of their country. The last possessed virtues; but these were debased by an avarice which was almost inconceivable in a great prince. For a half piece of silver per head the king of the Avars offered to return to him the prisoners he had taken; and, on his refusal, the Avar caused the prisoners to be massacred. The Roman army, indignant at this act of cruel neglect, revolted. The *greens* being in a state of revolt at the same time, a centurion, named Phocas, was elevated to the empire; and the new emperor caused Maurice and his children to be put to death.

The history of the Greek empire—for it is thus that the Roman empire is named for the future—is nothing but a tissue of revolts, seditions, and perfidies. The subjects of the empire had not so much as an idea of the fidelity which is due to princes; and the succession of the emperors was so interrupted that the title of *porphyrogenitus*⁸—that is to say, born in the apart-

⁷ These were immediate successors of Justinian.—TRANSLATOR.

⁸ [This word, derived from the Greek, signifies *born in the purple*. (P.)]

ment in which the empresses were accouched—was a title of distinction which few of the princes of the different imperial families were able to assume.

All instrumentalities were good for the attainment of the empire. The imperial power was disposed of by the army, the clergy, the senate, the people of the country, the people of Constantinople, and the people of other cities.

The Christian religion having become dominant, many heresies grew up which it was necessary to condemn. Arius having denied the divinity of the Word, the Macedonians the divinity of the Holy Ghost, Nestorius the unity of the person of Jesus Christ, Eutyches his two natures, and the Monothelites his two wills, it became necessary to assemble councils against them; but, the decisions of these councils not having been at once universally received, many emperors were seduced into the acceptance of condemned errors. And as there had never been a nation which hated heretics as violently as did the Greeks—who believed themselves to be polluted if they spoke to or dwelt with a heretic—it thus came to pass that many emperors lost the affection of their subjects; and the people fell into the habit of thinking that princes, who were so often rebels against God, could not have been chosen by Providence to govern them.

A certain opinion, derived from the idea that it was not proper to shed the blood of Christians, and

which became more firmly established after the appearance of Mohammedanism, led to the infliction of light punishments for such crimes as did not directly involve the interests of religion. Justice was content with putting out the eyes, or cutting off the nose or hair, or with mutilating in some manner the persons of those who had excited a revolt or attempted the life of 'the prince.' Such acts could be committed without danger, and even without courage.⁹

A certain respect for the imperial ornaments caused the people to turn their eyes at once upon those who dared to assume them. It was a crime to wear, or to have in one's house, stuffs of a purple color; but immediately a man clothed himself in this color he was followed, the regard of the people attaching to the regalia rather than to the person.

Ambition was still further stimulated by a strange mania which prevailed during these times. There was hardly any considerable man towards whom

⁹ Zeno contributed much to establish this relaxation of punishments. See Malchus, *Byzantine History*,⁹ in the *Excerpt of the Embassies*.

¹⁰ I am unable to see immunity from danger where the offender, (or the holder of coveted power,) was liable to have his nose cut off, his tongue cut out, or his eyes seared with a red-hot iron. The degenerate Greeks did these things with great facility. The emperor Philip-picus was taken in a drunken sleep at noonday, and "bound, blinded, and deposed, before he was sensible of his danger." Martina and Heraclonas—the widow and the son of the emperor Heraclius—were condemned by the senate, the one to lose her *tongue*, the other his *nose*: not *very* light punishments, to be sure! (See Gibbon's *Rome*, vol. iv, pp. 573, 574, 581.)—TRANSLATOR.

some prediction did not point which promised him the empire.

The maladies of the human mind do not easily rectify themselves. Among the Christians judicial astrology and the art of predicting the future by means of objects seen in a basin of water had succeeded the abolished Pagan art of predicting by the entrails of victims or by the flight of birds.¹¹ As vain predictions supplied the motive for most of the rash enterprises of private individuals, so they were deemed to constitute the wisdom of the counsel of princes.

As the misfortunes of the empire increased day by day, men were naturally led to attribute the reverses which befell in time of war, and the shameful treaties which were made in time of peace, to the bad conduct of those who governed.

Revolutions gave rise to revolutions, and effects became causes. As the Greeks had seen so many different families pass successively to the throne, they were attached to none; and, as fortune had taken emperors from all conditions in life, there was no birth so low, or merit so slender, as to extinguish the hope of attaining the empire.

Many examples, approved by a nation, form its general spirit and constitute its manners; and these reign as imperiously as laws.

It would seem that great enterprises may be more

¹¹ See NICETAS, *Life of Andronicus Comnenus*.

difficult to manage among us than they were among the ancients. They can no longer be conducted with much concealment; for the communication which now exists between nations is such that every prince has ministers at the courts of all others, and is liable to find betrayers in every cabinet.

The introduction of the postal service has caused news to fly with rapidity, and to diffuse itself everywhere.

As great enterprises cannot be carried on without money, and as, since the introduction of bills of exchange, merchants are masters of that, their affairs are very often connected with secrets of state, and they neglect no means of penetrating them.

Variations in the value of exchange, which take place without any known cause, prompt many persons to enquire for the secret, and they find it in the end.

The invention of printing, which has placed books in the hands of everybody; the discovery of the art of engraving, which has rendered geographical maps so common; and, finally, the establishment of political journals—constitute a sufficient means of intelligence upon general interests to enable every individual to become all the more easily enlightened upon matters which are secret.

State conspiracies have become difficult; for, since the introduction of the postal service, all particular secrets are within the power of the public.¹²

¹² This statement, unless taken with very considerable qualification,

Princes can act with promptitude, for they hold the forces of the state in their hands; conspirators are obliged to act slowly, for they are wanting in all sorts of resources; but at the present time, when everything is brought to light with more facility and promptness, the least loss of time in the preparation of a conspiracy is sufficient for its discovery.¹³

is much more in harmony with the past political genius of France than it is with the ideas of Englishmen and Americans.—TRANSLATOR.

¹³ The Nihilistic conspirators of Russia seem to baffle all the improved modern appliances for detection to which Montesquieu refers—and more besides.—TRANSLATOR.

NOTE BY THE TRANSLATOR.

DOUBTLESS it is true, as Montesquieu suggests, that enterprises of a *secret* character were, as a general rule, much more easily conducted to a successful issue in ancient than they are in modern times. But why he should dignify undertakings of this kind with the distinction of "great enterprises" (*grandes entreprises*) is not very apparent. The secret, criminal intrigues of Roman prætorians or Greek courtiers, by which the empire was so often transferred suddenly from one tyrant to another, must take their place among the most ignoble transactions of human history; and nothing that is ignoble should be accounted great.

All such enterprises, however, as are truly great, are executed with much more facility in modern than they were in ancient times—as may be readily shown.

1. Our superior knowledge of the forces of nature, combined with our superior appliances for the utilization of these forces, imparts to modern times a much larger and more diversified store of *physical*

resources than had place in the societies of antiquity.

2. The mental results which enter into our present civilization being at once greater in their variety and sum, and more extensively distributed, it thence follows that our time is also more richly endowed with *intellectual resources*.

3. The beneficial reflex action of the two preceding elements upon man's moral sentiments—aided by the direct influence of the immense superiority of Christianity over the polytheism of ancient times—has had the effect furthermore of giving to modern societies a greater store of *moral resources*.

From these premises it would seem to follow :

Firstly, that every species of enterprise which is in accord with the interests of civilization can now be dispatched with much more promptness and ease than was possible in ancient times.

Secondly, that those enterprises which depend upon secrecy and concealment—and which, therefore, as a class, carry with them some odor of moral suspicion—are, as a rule, more difficult to manage under the broad lights of the present day than they were among the ancients.

In estimating the general movement of history, the double conclusion just reached is of very high rational value. As the world's civilization develops, its forces and its motives become not only more *efficient*, but also more *overt*.

CHAPTER XXII.

WEAKNESS OF THE EASTERN EMPIRE.

AMID the confusion of things, Phocas being but badly established upon the throne of the East, Heraclius came from Africa and caused him to be put to death. The new emperor found the provinces invaded and the legions destroyed.

Scarcely had he been able in some degree to restore the affairs of the state when the Arabs issued from their own country, for the purpose of extending the religion and the empire which Mohammed had founded with the same hand.

Never was progress so rapid. They at once conquered Syria, Palestine, Egypt, Africa, and invaded Persia.

God permitted that his religion should cease to be dominant in many countries; not that he had abandoned it, but because, whether in a state of glory or in a state of external humiliation, it is always equally capable of producing its natural effect—the sanctification of the soul.

The prosperity of religion is different from the

prosperity of empires. A celebrated writer says it is a very small affliction to be ill, for the reason that suffering is the true state of the Christian.¹ We might even say that the times of the humiliation of the Church—the times of her dispersion, of the destruction of her temples, and the sufferings of her martyrs—have been the times of her glory; and that, when in the eyes of the world she has appeared to triumph, she has ordinarily been in a state of abasement.

In order to explain the famous event of the conquest of so many nations by the Arabs, it is not necessary that we should have recourse to enthusiasm alone. The Saracens had long been distinguished among the auxiliaries of the Romans and the Persians. They and the Osroenians² were the best archers in the world. Alexander Severus and Maximin engaged as many of them as they could in their service, and employed them with great success against the Germans, whom they destroyed at a distance; and, during the reign of Valens, the Goths could not resist them.* In short, they were, at that time, the best cavalry in the world.

We have said that among the Romans the legions

¹ Pascal: "La maladie est l'état naturel des chrétiens," etc. (*Pensees diverses sur la religion*, lxxxv.)—TRANSLATOR.

² The people so called dwelt in the northern part of Mesopotamia; Edessa and Nisibis were their principal cities, the former being their capital. (Gibbon's *Rome*, vol. i, pp. 242, 243.)—TRANSLATOR.

³ ZOSIMUS, lib. iv.

of Europe were superior to the legions of Asia. The case was wholly the contrary in respect to cavalry. I speak of the cavalry of the Parthians, the Osroenians, and the Saracens. It was this that arrested the conquests of the Romans; for, after the time of Antiochus, a new Tartar people, whose cavalry was unequalled, had seized high Asia.

This cavalry was heavy;⁴ that of Europe light—a state of case which is completely reversed at the present day. Holland and Friesland—so to speak—were not yet made,⁵ and Germany was covered with forests, lakes, and morasses, and was consequently a country in which cavalry could be of little service.

Since a regular course has been given to the great rivers, these morasses have disappeared, and Germany has changed its face. The works of Valentinian on the Necker, and those of the Romans on the Rhine,⁶ effected many changes;⁷ and, commerce being introduced, those countries which had not formerly produced horses now produced them—and thus they came into use.⁸

⁴ See what Zosimus, lib. i. says respecting the cavalry of Aurelian, and that of Palmyra; see also Ammianus Marcellinus on the cavalry of the Persians.

⁵ These countries consisted for the most part of submerged lands, which art has rendered fit for the habitation of man.

⁶ See Ammianus Marcellinus, lib. xxvii.

⁷ The climate of these regions is not now so cold as the ancients report it to have been.

⁸ Cæsar says the horses of the Germans were small and shabby. (*Gallie War*, Book IV, ch. ii.) And Tacitus, on the *Manners of the Germans*, says: *Germania pecorum fecunda, sed pleraque improcera.*

Constantine, the son of Heraclius, having been poisoned, and his son Constantine⁹ having been killed in Sicily, Constantine Pogonatus, the eldest son of the latter, succeeded to the empire.¹⁰ Being assembled, the grandees of the Eastern provinces desired to have the two brothers of the reigning sovereign crowned also—maintaining that, since it was necessary to believe in the Trinity, it was alike reasonable to have three emperors.

The history of the Greek empire is full of such passages. Feebleness of mind having become the characteristic of the nation, there was no longer any wisdom in affairs; and we see disorders without cause and revolutions without motives.

An universal bigotry depressed the courage of the people and stupefied the whole empire. Constantinople was, properly speaking, the only place in the East in which Christianity became dominant; and the cowardice, the indolence, and effeminacy of Asiatic life were blended with devotion. Among a thousand examples I will only notice that of Philippicus—the general of the emperor Maurice—who, being on the eve of engaging in battle, fell to weeping at the thought of the great number of people who were about to be killed.¹¹

There were tears of a very different sort—those

⁹ The name here should be Constans II. (See Gibbon's *Rome*, vol. iv, p. 574.)—TRANSLATOR.

¹⁰ ZONARAS, *Life of Constantine the Bearded*.

¹¹ *Theophylactus*, lib. ii, ch. iii; *History of the Emperor Maurice*.

of the Arabs, who wept from the grief which they felt because their general had agreed to a truce which interrupted the shedding of Christian blood.¹²

There is a total difference between an army of fanatics and an army of bigots. We have seen this illustrated in the course of a famous revolution which has taken place in modern times, wherein the army of Cromwell was like that of the Arabs, and the armies of Ireland and Scotland like those of the Greeks of the Eastern empire.

A gross superstition—which debases the human mind as much as religion elevates it—placed all the virtues and all the hopes of man in an ignorant and stupid regard for images; and we see generals raise a siege,¹³ and loose a city,¹⁴ in order to obtain a relic.

Under the Greek empire, the Christian religion degenerated until it reached the same condition in which it was found in our own day among the Muscovites, before Peter I had given a new birth to that nation, and introduced more changes in the state which he governed than conquerors have done in those which they have usurped.

It is easy to believe that the Greeks fell into a species of idolatry. We can have no suspicion that either the Italians or the Germans of that time were but moderately attached to external worship; and yet,

¹² M. Ockley's *History of the Conquest of Syria, Persia, and Egypt, by the Saracens.*

¹³ ZONARAS, *Life of Romanus Lecapenus.*

¹⁴ NICETAS, *Life of John Comnenus.*

when the Greek historians speak of the contempt of these nations for relics and images, we would say we were listening to our own controversialists, who heat themselves against Calvin. When the Germans were on their way to the Holy Land, Nicetas says the Armenians received them as friends, for the reason that they did not adore images; but if, in the Greek way of thinking, the Italians and the Germans did not sufficiently worship images, what must have been the enormity of their own idolatry?

There was a strong movement in the East towards the accomplishment of nearly the same revolution as that which took place about two hundred years ago in the West—when, after the revival of letters, as men began to realize the abuses and the disorders into which they had fallen, all sought a remedy for the evil, whilst those who were too bold and intractable rent the Church asunder instead of reforming it.¹⁵

Leo the Isaurian, Constantine Copronymus, and Leo his son, made war upon the images; and, after the worship of them had been re-established by the empress Irene, it was again abolished by Leo the Armenian, Michael the Stammerer, and Theophilus. These princes believed that they could not moderate without destroying the worship of images. They made war upon the monks, who were hurtful to the

¹⁵ Reference is here made to the Reformation of the sixteenth century. See my *Note* at the end of this chapter.—TRANSLATOR.

state;¹⁶ and, always resorting to extreme measures, they determined to exterminate them by the sword, instead of seeking to regulate them.

Accused of idolatry by the partisans of the new ideas, the monks¹⁷ charged the accusers in their turn with the practice of magic;¹⁸ and, pointing out to the people the churches despoiled of their images, and of all that had heretofore rendered them objects of popular veneration, they stimulated the opinion in the mind of the multitude that these once holy edifices had become temples for the worship of demons.

The reason why the quarrel about images was so violent, and that it finally became impossible for sensible men to propose a moderate worship, was that the controversy was connected with exceedingly delicate interests. It was a question of power; and the monks having usurped this, they could neither extend it nor retain it without adding incessantly to that external worship of which they had made themselves partisans. It was for this reason that the wars against the images were always wars against the monks, and

¹⁶ Long previously, Valens had made a law compelling monks to serve in time of war; and he put to death all who did not obey. (JORNANDES, *De Regn. success.*; and law xxvi, *Cod. de Decur.*)

¹⁷ Nothing that is here said in relation to the Greek monks has any bearing upon the monastic institution itself; for we cannot say that a thing may not be good, because at certain times, or in some countries, it has been abused.

¹⁸ LEO THE GRAMMARIAN, *Life of Leo the Armenian, Life of Theophilus*. See Suidas, at the article *Constantine*, son of Leo.

that, when the latter had succeeded in maintaining the images, their power no longer had any limits.

A question arose now which we find discussed some centuries later in the quarrel which took place between Barlaam and Acindynus on the one hand and the monks on the other, and which continued to torment the empire down to the time of its destruction. It became a subject of dispute whether the light which appeared around Jesus Christ on Tabor was created or uncreated. At bottom, the monks did not care whether it was the one or the other; but, as Barlaam attacked them directly, it was necessary that the light in question should be uncreated.

The war which the iconoclastic emperors waged against the monks led in some degree to the resumption of the principles of government, to the employment of the public revenues in favor of the public, and, in short, to the removal of the shackles which had been imposed upon the state.

When I think of the profound ignorance in which the Greek clergy plunged the laity, I cannot but compare this priesthood with those Scythians of whom Herodotus speaks, who put out the eyes of their slaves, in order that nothing might distract their attention, and thus interrupt them while churning their master's milk.¹⁹

The empress Theodora re-established the images,

¹⁹ Book IV.

and the monks recommenced the abuse of the popular piety.²⁰ They went so far as to oppress even the secular clergy itself; they appropriated all the great sees;²¹ and, little by little, they excluded all the ecclesiastics of the episcopate. It was this that rendered this clergy intolerable; and if we compare it with the Latin clergy—if we compare the conduct of the Popes with that of the Patriarchs of Constantinople—we shall see men on the one hand who were as wise as the others were wanting in sense.²²

There is a strange inconsistency in the human mind. The ministers of religion among the early Romans were not excluded from offices or from civil society, and yet they embarrassed themselves but little with affairs. When the Christian religion was first established, the ecclesiastics—who were more separated than the early Roman priesthood from the affairs of the world—mingled with moderation in secular matters; but during the decay of the empire, when monks had come to be the only clergy, these men—although destined by a profession still more strict to fly from and to shun temporal affairs—embraced every occasion to take part in them. They filled the empire with their noise, and incessantly agitated

²⁰ This Theodora was the widow of the emperor Theophilus, the most violent of the Iconoclasts. Her re-establishment of image worship—A. D. 842—was final. The struggle had lasted something more than a hundred years, having begun about the year A. D. 736, during the reign of Leo the Isaurian. (See Gibbon's *Rome*, vol. v, pp. 1-39.)—TRANSLATOR.

²¹ See Pachymer, lib. viii.

²² See my *Note* at the end of this chapter.—TRANSLATOR.

the world which they had abandoned. No affair of state, no war, no truce, no negotiation, no marriage could be conducted except through the ministration of monks. The councils of the prince were full of them, and the assemblies of the nation were almost wholly composed of them.

It is difficult to realize the extent of the evil which resulted from this ascendancy of the monks. They enfeebled the minds of the emperors, and caused them to do even excellent things in an imprudent manner. Whilst Basil employed the soldiers of his navy in building a church to St. Michael, he left the Saracens to pillage Sicily and to capture Syracuse; and Leo, his successor, who put his fleet to the same use, left them to occupy Tauromenium and the isle of Lemnos.²³

Andronicus Palæologus abandoned his navy, for the reason that he was assured that God was so highly pleased with his zeal for the peace of the Church that his enemies would not dare to attack him. This emperor also feared that God would demand of him an account for the time which he gave to the government of his state, and which he thus robbed from spiritual affairs.²⁴

The Greeks, who were great talkers, great disputants, and natural sophists, never ceased to embroil religion in controversies.²⁵

²³ ZONARAS and NICEPHORUS, *Life of Basil, and of Leo*.

²⁴ PACHYMER, lib. vii.

²⁵ We can readily trace the old Greek genius of the classical ages—

As the monks possessed great credit with the court—which was always the more feeble as it grew to be more corrupt—it thence fell out that the monks and the court mutually corrupted each other, and that the distemper of the state was lodged in both. The result was that the entire attention of the emperors was monopolized, sometimes in the work of calming, often in the work of irritating, theological disputes—which, as has always been observed, become more violent in proportion as they are more frivolous.²⁶

Michael Palæologus—whose reign was so much agitated by religious disputes—seeing the frightful ravages which were committed by the Turks in Asia, exclaimed, with a sigh, that the rash zeal of certain persons—who by decrying his conduct had excited his subjects against him—had compelled him to devote his whole care to his own preservation, and to abandon the provinces to ruin. “I have contented myself,” said he, “with providing for these distant parts of the empire through the ministration of gov-

however modified and enfeebled—in the religious controversies of the Eastern empire. We detect the same *penchant* for abstract thinking and for refined and subtle distinctions. One important consequence of this characteristic of the Greek intellect was that much the greater part of the numerous speculative disputes, which for a long time vexed and tormented the Church, were of Greek paternity.—TRANSLATOR.

²⁶ The *reason* of this curious fact may as well be given. For men to be sufficiently interested in frivolous theological questions to make them a subject of serious dispute implies great folly; great folly raises the dispute to a quarrel; the violence of the quarrel will be proportioned to the amount of folly; and this will, of course, be greatest where the difference quarreled over is least.—TRANSLATOR.

ernors who have misrepresented to me the needs of their provinces—either that they have been corrupted by money, or influenced by the fear of punishment.”²⁷

The patriarchs of Constantinople possessed immense power. As, during the times of the popular tumults, the emperors and the great men of the state were accustomed to retire into the churches, and, as the patriarchs had it in their power to deliver them up to the people or not—a power which they exercised at their fancy—they thus constantly found themselves, although indirectly, the arbiters of all public affairs.

Andronicus the elder²⁸ caused it to be communicated to the patriarch that he should attend to the affairs of the church, and leave those of the empire to himself. “It is,” replied the patriarch, “as if the body should say to the soul: I claim nothing in common with you, and I have no need of your assistance in the performance of my functions.”

Such monstrous pretensions being insupportable to the emperors, the patriarchs were often driven from their seats. But, among a superstitious people—who regarded as abominable all the ecclesiastical functions which might be performed by a patriarch who was believed to be intrusive—these expulsions were a

²⁷ PACHYMER, lib. vi, ch. xxix. We have used the translation of President Cousin.

²⁸ Palæologus. See Cantacuzene's *History of the two Andronicuses*, lib. i, ch. 4.

source of continual schisms. Each patriarch—the old, the new, the still more recent—had his followers. Quarrels of this sort were much more grievous than those which turned upon dogmatical points; for they were like a hydra, which a new expulsion of the head of the Church was always sufficient to reproduce.

The fury of disputation became a condition so natural to the Greeks that when Cantacuzene captured Constantinople he found the emperor John and the empress Anne occupied with a council against some enemies of the monks.²⁹ Theological rancor was not suspended even during the time that Mohammed II was laying siege to the city;³⁰ and the council of Florence was an object of more interest to its inhabitants than the army of the Turks.³¹

In the case of ordinary disputes, as each party feels that he may be mistaken, opiniativeness and obstinacy are not extreme; but, in the disputes which we have in relation to religion—since by the nature of the thing involved each believes that his opinion is certainly the true one—we become indignant towards those who, instead of changing their own opinion, set themselves stubbornly to make us change ours.

²⁹ CANTACUZENE, lib. iii, ch. xcix.

³⁰ DUCAS, *History of the last Palæologi*.

³¹ People asked each other if they had heard mass from a priest who had consented to the union; and such an one was shunned as a consuming fire. The great Church was regarded as a profane temple; and the monk Gennadius launched his anathemas against all who desired peace. (DUCAS, *History of the last Palæologi*.)

Those who will read the history of Pachymer will plainly see how powerless the theologians were—and always must be, when left to themselves—to accommodate their own differences. We see in that history, on the one hand, an emperor³² who passed his life in the work of assembling, hearing, and reconciling the clergy; we see, on the other, a hydra of disputes incessantly revived; and we feel that—with the same method, the same patience, the same hopes, the same desire to reach a conclusion, the same simplicity in presence of their intrigues, and the same respect for their enmities—the theologians would not have effected an accommodation among themselves to the end of the world.

We will give a remarkable instance in illustration of what has just been said. At the solicitation of the emperor, the partisans of the patriarch Arsenius entered into a convention with the followers of the patriarch Joseph; the terms being that each of the parties should make a statement of their respective pretensions upon paper; that both the papers should be thrown into a brazier; that, if one of the two remained intact, the judgment of God should be followed accordingly; and that, if both were consumed, they should renounce their differences. The fire devoured both the papers; the two parties reunited, and the peace continued for a day. But the next day they said their change ought to depend

³² Andronicus Palæologus.

upon interior persuasion, and not upon chance; and the war was renewed more violently than ever.³³

Great attention should be given to the disputes of theologians; but, as far as possible, the interest which is felt in such disputes should be concealed. The trouble which is taken to calm them always has the effect of increasing the credit of the clergy, by causing it to be seen that their manner of thinking is so important that it affects the repose of the state and the security of the sovereign.

The controversies of theologians can no more be brought to an end by listening to their subtleties, than the practice of dueling might be abolished by establishing schools wherein refinements upon the point of honor should be taught.

The Greek emperors were so wanting in prudence that, when the theological disputes were quieted, they had the madness to revive them. Anastasius,³⁴ Justinian,³⁵ Heraclius,³⁶ and Manuel Comnenus³⁷ proposed points of faith to the clergy and to the people, who would not have received the truth—as coming from them—even if they had possessed it. Thus, sinning always in form, and generally in substance also, and desiring to make a display of their penetration—which they might so well have shown in the many other affairs which were con-

³³ PACHYMER, lib. i.

³⁴ EVAGRIUS, lib. iii.

³⁵ PROCOPIUS, *Secret History*.

³⁶ ZONARAS, *Life of Heraclius*.

³⁷ NICETAS, *Life of Manuel Comnenus*.

fided to them—these emperors undertook vain disputes on the nature of God—who, concealing himself from the learned for the reason that they are proud, shows himself none the more to the great of the earth.

It is an error to suppose that there is any human authority in the world which is, in all respects, despotic. There never was and there never will be such. The most enormous power is always limited on some side. Let the Grand Seignior impose a novel tax upon Constantinople, and the general outcry will immediately disclose limits to his power which he had not known. A king of Persia may indeed constrain a son to kill his father, or a father to kill his son ;⁸⁸ but to compel his subjects to drink wine would be beyond his power. There is in every nation a general spirit upon which power itself is founded. When it shocks this spirit, power disturbs its own foundation, and thus necessarily checks itself.⁸⁹

The most poisonous source of all the misfortunes which befell the Greeks of the Eastern empire was the fact that they never knew either the nature or the limits of the ecclesiastical and the secular power—an ignorance which caused them to fall into continual errors in the one direction or the other.

This great distinction, which is the basis upon which reposes the tranquillity of nations, is founded

⁸⁸ See Chardin.

⁸⁹ See my *Note* at the end of this chapter.—TRANSLATOR.

not only upon religion, but also upon reason and nature, which will not allow that things really separate, and which can only exist as separate, should ever be confounded.

Although the priesthood did not constitute a separate body among the ancient Romans, yet this distinction was as well known among them as it is among us. Claudius having consecrated Cicero's house to Liberty, the latter, on returning from his exile, demanded its restitution. The pontiffs decided that, if the house had been consecrated without an express order of the people, it might be restored to its former owner without prejudice to religion. "They have declared," says Cicero,⁴⁰ "that they had only examined the validity of the consecration, and not the law made by the people; that they had judged the first question as pontiffs, and that they should judge the second as senators."

⁴⁰ *Letters to Atticus*, Book IV, let. ii.

NOTE BY THE TRANSLATOR.

I. MONTESQUIEU'S general conception, that there was a strong but abortive tendency in the Greek empire during the eighth and ninth centuries to effect a religious revolution in the East similar to the one which took place in the West during the sixteenth century, is a highly important one. His accompanying intimation, however, that it would have been wiser, and, consequently, better for the interests of humanity, to have so restrained the latter as to have reformed abuses whilst preserving the unbroken integrity of the Church of Rome, is considerably more than doubtful, from both the Protestant and the rationalistic points of view. The completest reform of *abuses* would have left in full force the difficulties springing from *dogma*—and these presented an extremely grave obstruction to the ripper development of the human intellect, and the maturer growth of human liberty. In the course of these Notes I have more than once had occasion to essay some rational justification of the course which ancient history actually took in connection with some

situations of the highest moment to the world's civilization; and, in view of the vast interests involved in the Reformation of the sixteenth century, and the manner in which these interests have been and are being affected by the event, I am quite persuaded that reason must fully approve the direction which that great movement actually took, in separating itself completely from the domination of the Church of Rome, instead of limiting itself to the reform of abuses—which work, no matter how completely it might have been effected, would have still left the mind and the liberty of all Europe hampered and hedged about by powerful and obstinate restraints upon natural and healthy expansion.

Montesquieu claims a very wide distinction between the Popes of Rome and the Latin clergy on the one hand, and the Patriarchs of Constantinople and the Greek monks on the other—a distinction, indeed, which marks all the interspace between wisdom and folly. And yet it appears to be a fact that the Popes and the Western clergy were equally as zealous as the Greek monks in their attachment to external rites, and in their hostility to the reform which proposed to purge the Church of the worship of images. That section of the Greek mind which was headed by the iconoclastic emperors, and which found its best expression in the Synod of Constantinople (A. D. 754), made a stout but ineffectual resistance to the widespread movement by which Paganism was

everywhere combining with Christianity. It was overborne by that accumulating weight of ignorance and superstition which extended from the Bosphorus to the Tiber—and which was led by Patriarchs and by Popes, by Greek monks and by Italian clergy.¹

It is curious to observe that, as the Reformation of the sixteenth century had its first foreshadowing in the Idol Breakers of the East during the eighth and ninth centuries, so it had a second in the Albigenses of the West during the twelfth and thirteenth. The former movement was crushed out by Byzantine monks, and left no sign. The latter was seemingly extinguished in blood and fire by the Church of Rome; but, three centuries later, it had its resurrection further north. Had there been a Germany north of Constantinople as there was north of Rome, it is easy to believe that the East would also have had its successful Reformation. But Providence had endowed the world with only one Germany.

II. The brief observations of Montesquieu respecting the limitations upon power which have place in all governments, even the most despotic, present a subject of much interest to those who would form truly rational ideas in regard to the great matter of government in general.

Hume has expressed substantially the same view as that of our author. "Nothing," says this sagacious thinker, "appears more surprising to those who

¹ See Gibbon's *Rome*, vol. v, pp. 1-39.

consider human affairs with a philosophical eye than the easiness with which the many are governed by the few; and the implicit submission with which men resign their own sentiments and passions to those of their rulers. When we inquire by what means this wonder is effected, we shall find that, as force is always on the side of the governed, the governors have nothing to support them but opinion. It is, therefore, on opinion only that government is founded; and this maxim extends to the most despotic and most military governments, as well as to the most free and most popular. The soldan of Egypt, or the emperor of Rome, might drive his harmless subjects, like brute beasts, against their sentiments and inclination. But he must, at least, have led his *mamelukes* or *prætorian bands*, like men, by their opinion.”²

The general principle as stated by Montesquieu and Hume—to the effect that all governments rest upon opinion—must be accepted with due qualification, and with due regard to the force of the term *opinion*, when applied to different governments.

In the first place, it is to be noticed that a considerable class of exceptions to the principle arises in cases in which the government is forced upon the nation from without. In such cases there need be no concurring opinion whatever in the mind of the people who receive the government.

² *Philosophical Works*, vol. iii, p. 28, Boston, 1854.

In the next place, it must be kept in view that in the lower social states government rests more upon the opinion of a few, whilst in the higher ones it rests more upon the opinion of many.

The following, therefore, would seem to be a closer statement of the principle:

Where nations are left to themselves, and not coerced from without, all governments rest ultimately upon opinion; but this opinion—so far as it is positive and active, and hence efficient to maintain, modify, or reject the government—has, in despotic societies, its *minimum*, and in free societies, its *maximum*, social extent. This last distinction is, indeed, implied in the illustrations given by Hume. Prætorian Guards, Mamalukes, Janizaries, and other like bodies, which have been the depositaries of opinion supporting despotic governments, have constituted but a small part of the total society.

The opinion, therefore, that underlies despotisms, when taken as a measure of liberty or choice, is a fact which, although of the same species, is of very limited quantity and value when compared with the opinion upon which free governments repose.

III. The statement of Montesquieu, that the distinction between the civil and the ecclesiastical power was "as well known" among the ancient Romans "as it is among us," I regard as probably erroneous—and certainly so if we take into consideration the development of opinion which has taken place since

his time. However tolerant the religion of the Romans may have been, it was very much mixed up with the affairs of the state; and, indeed, in the whole Roman system there was a confusion and a blending of functions which, on the one hand, mark the conformity of this system to the prevailing type of all ancient constitutions, and, on the other, offer one of the great features of contrast between it and the more distinctly classified and defined polities of modern societies. "The same person," says Dr. Adam, "might regulate the police of the city and direct the affairs of the empire, propose laws and execute them, act as a judge or a priest, and command an army." The augurs exercised very great influence over purely secular affairs. Dr. Adam remarks that "nothing of importance was done respecting the public, either at home or abroad, in peace or in war, without consulting them"; and in this connection we may particularly notice that sort of sacerdotal authority to which Montesquieu refers in the eighth chapter of this work, by virtue of which the priesthood had it in their power even to suppress the days appointed for the public assemblage of the people, "under pretext that the auspices were not favorable." The fecial priesthood exercised functions in relation to the declaration of war and the conclusion of treaties which in all modern nations are performed by secular functionaries. The college of pontiffs possessed in some cases the power to inflict the

penalty of death—limited, it is true, by the right of appeal to the people. The pontifex maximus could restrain even a consul—if he happened withal to be a priest—from absenting himself from the city; and, in later times, this supreme spiritual dignity was assumed by the emperors; so that the same person was at once head of the state and head of all the sacerdotal orders of the empire. I think it is clearly true that there was no period, either under the kings, under the republic, or under the empire, when the distinction between the secular and the spiritual was as well realized in the Roman policy, or as well apprehended in the Roman mind, as it is at the present day.^a

It may be stated in general terms that the religious and the civil functions were more blended together in ancient than they are in modern times; and that, in proportion as the world's civilization develops, there is a persistent and increasing tendency to work out a complete separation of the two. That process of *differentiation* by which so many things that were commingled in the early stages of civilization have since come to be separated, can be distinctly traced in connection with the affairs of the state and the affairs of religion; but, in consequence of the vast interests involved, and the immense influence of established priesthods over the masses of mankind, the process of separation, in this last re-

^a See Adam's *Rom. Ant.*, Phila., 1872, pp. 73, 192–204.

spect, has been much less rapid than it has been in numerous other regards. And yet nothing can be more unmistakable than the tendency of that great mental impulse which civilization has felt since the revival of learning in the fifteenth century. That tendency has been, and is, to completely secularize all the powers of civil government—a result which has been already accomplished in one great nation,⁴ and the ultimate consummation of which in all the other states of the civilized world is only a question of time.

⁴ The United States of America.

CHAPTER XXIII.

CAUSES OF THE DURATION OF THE EASTERN EMPIRE.—ITS
DESTRUCTION.

AFTER what I have said in relation to the Greek empire, it is natural to inquire how it was able to continue its existence during so long a period of time. I believe I can give the reasons for this.

The Arabs having attacked the Eastern empire, and having conquered some of its provinces, their chiefs came to a dispute in relation to the caliphate; and thus the fire of their first zeal only produced civil discords among themselves.

The same Arabs having conquered Persia, and having there also become divided and weakened, the Greeks were no longer compelled to hold the principal forces of the empire upon the Euphrates.

An architect, named Callinicus, who had come from Syria to Constantinople, discovered the composition of a fire which was blown through a tube, and which was of such a nature that water, and all substances that extinguish ordinary fires, only had the effect of increasing its violence. The Greeks made use of this fire, and were thus enabled, during many

centuries, to burn all the fleets of their enemies, especially those of the Arabs, who came from Africa or Syria to attack them before Constantinople. This fire was placed in the rank of state secrets; and Constantine Porphyrogenitus, in his work on the administration of the empire—dedicated to his son Romanus—warns the latter that, in case the barbarians should ask him for *Greek fire*, he should tell them that it was not permitted that he should give it to them, for the reason that an angel, who had brought it to Constantine, had forbidden its communication to other nations, and that those who had dared to do so had been immediately devoured by fire from heaven upon entering into a church.¹

¹ In the two great attacks which the Arabs made upon Constantinople—the one in the latter half of the seventh and the other early in the eighth century—Gibbon attributes the deliverance of the city mainly “to the novelty, the terrors, and the real efficacy of the *Greek fire*.” On the latter occasion, after investing the city on the land side, a fleet of the enemy, recruited from Syria and Egypt, and stated at eighteen hundred ships, made its appearance for the purpose of supporting by water the operations of the siege. I add Gibbon’s animated description of the scene which followed: “This huge armada proceeded on a smooth sea, and with a gentle gale, towards the mouth of the Bosphorus; the surface of the strait was overshadowed, in the language of the Greeks, with a moving forest, and the same fatal night had been fixed by the Saracen chief for a general assault by sea and land. To allure the confidence of the enemy, the emperor had thrown aside the chain that usually guarded the entrance of the harbor; but while they hesitated whether they should seize the opportunity or apprehend the snare, the ministers of destruction were at hand. The fire-ships of the Greeks were launched against them; the Arabs, their arms, and vessels, were involved in the same flames; the disorderly fugitives were dashed against each other or overwhelmed in the waves; and I do not find a vestige of the fleet that had threatened to extirpate the Roman name.” (Gibbon’s *Rome*, vol. v, pp. 280–282.)

At a time when the Gothic nations on the one side, and the Arabs on the other, had ruined commerce and industry everywhere else, Constantinople carried on the greatest, and indeed almost the sole, commerce of the world. The manufacture of silk had passed from Persia to this city; and, after the invasion by the Arabs, this manufacture was much neglected in Persia itself. The Greeks being, moreover, masters of the sea, these advantages brought immense wealth into the state, and consequently endowed it with great resources. The result was, that, whenever the empire experienced some respite, we at once see the public prosperity reappear.

Some suppose that the secret of this composition, instead of being discovered by Callinicus, was derived from India. (Chambers' *Enc.*, art. *Greek fire*.)

At a later period the Saracens themselves got possession of the secret, and used it with effect against the Christians. Gibbon describes the fiery missile, launched by the former against the latter, in the terms of an old French knight: "It came flying through the air, says Joinville, like a winged, long-tailed dragon, about the thickness of a hogshead, with the report of thunder and the velocity of lightning; and the darkness of night was dispelled by this deadly illumination. (Vol. v, p. 285.)

Voltaire, however, is skeptical as to the reputed efficacy of this celebrated compound. Referring to the ease with which the Crusaders captured Constantinople in the year 1204, he says: "We do not see that the Greek fire, so much vaunted by the historians, produced the least effect. If it were such as it was said to be, it should have always given certain victory, on sea and land. If it were something similar to our phosphorus, the water might, it is true, preserve it; but then it would have had no action while *in* the water. In short, notwithstanding this secret, the Turks had taken almost the whole of Asia Minor from the Greeks, and the Latins took from them the remainder." (*Ouvres Complètes de Voltaire*, Paris, 1828, tom. xxi, pp. 51, 52.)—TRANSLATOR.

Of this we will give a notable example. Andronicus Comnenus the elder was the Nero of the Greeks; but since, with all his vices, he showed an admirable firmness in protecting the people against the injustices and the vexations of the grandees, it was remarked that, during the three years that he reigned, the prosperity of many of the provinces was re-established.²

Finally, the barbarians who dwelt upon the shores of the Danube having become settled, they were no longer as formidable as they once were, and they even served as a barrier against other barbarians.

Thus, while the empire of the East was weighed down by a bad government, it was yet sustained by particular causes. It is thus that we see at the present day some of the nations of Europe maintain themselves, notwithstanding their weakness, by the wealth which they derive from the Indies; that we see the temporal States of the Pope protected by the respect which is felt for their sovereign; and the Corsairs of Barbary maintained by the obstructions which they put upon the commerce of the smaller nations—whereby they render themselves useful to the more powerful ones.^{3 4}

The empire of the Turks is at the present time

² NICETAS, *Life of Andronicus Comnenus*, lib. i.

³ They hinder the commerce of the Italian states on the Mediterranean.

⁴ The motive here assigned for the former toleration of the pirates of the Barbary coast need not be questioned; but it ought not to be stated without being at the same time stigmatized as belonging to the most unworthy species of human meanness.—TRANSLATOR.

in nearly the same degree of weakness as was that of the Greeks before; but it will continue to exist for a long time; for, if any sovereign should, in the course of his conquests, place this empire in peril, the three commercial powers of Europe understand their affairs too well not to interpose immediately in its defence.⁵ °

It is the good fortune of the Turks that God has permitted nations to exist in the world which are adapted to the useless occupation of a great empire.

During the time of Basil Porphyrogenitus, the power of the Arabs was destroyed in Persia. Mohammed, son of Sambrael, who reigned there, called from the North three thousand Turks, in the character of auxiliaries.⁷ Upon the occurrence of some dissatisfaction, he sent an army against them; but they put his army to flight. Indignant at the conduct of his soldiers, Mohammed ordered that they should pass before him clad in the garments of women; but they joined themselves to the Turks, who proceeded at once to capture the garrison which guarded the bridge over the Araxes; and thus the

⁵ Thus, the projects against Turkey—as, for instance, the one which was formed under the pontificate of Leo, by which the emperor was to approach Constantinople by the way of Bosnia, the king of France by the way of Albania and Greece, whilst other princes were to embark from their respective ports—these projects, I say, were either not serious, or else were undertaken by men who did not comprehend the interests of Europe.

⁶ See my *Note* at the end of this chapter.—TRANSLATOR.

⁷ *Hist. written by N. B. Cæsar, Lives of Const. Ducas and R. Diogenes.*

way was opened for an innumerable multitude of their countrymen.

After having conquered Persia, the Turks spread from east to west over the provinces of the empire; they captured the emperor, Romanus Diogenes, who attempted to arrest their career, and subdued nearly the whole of the Greek possessions east of the Bosphorus.

Some time later, during the reign of Alexis Comnenus, the Latins attacked the East. An unhappy schism had long since engendered an implacable hatred between the nations of the two rites; and it would have broken out sooner if the Italians had not been more intent upon humbling the emperors of Germany, whom they feared, than the emperors of the Greeks, whom they only hated.

It was in these circumstances that a religious opinion suddenly spread through Europe, that, the place where Jesus Christ was born, and the place where he suffered, being profaned by infidels, the means of effacing one's sins was to take arms for their expulsion. Europe was full of men who loved war, and who had many crimes to expiate. It was proposed that they should expiate their crimes by following their dominant passion. The result was that immense multitudes took the cross and the sword.

Having arrived in the East, the crusaders besieged and captured Nice.⁸ They restored this city to the

⁸ They took it from the Turks, who had made it their capital.—
TRANSLATOR.

Greeks; and, amid the consternation of the infidels, Alexis and John Comnenus drove the Turks back to the Euphrates.

But, whatever advantages the Greeks may have derived from these expeditions of the crusaders, there was no Greek emperor who might not tremble in presence of the danger of seeing a succession of heroes so haughty, and of armies so large, pass through the very heart of his states. They sought, therefore, to disgust Europe with these enterprises; and the crusaders everywhere met with betrayals, perfidy, and all that might be expected from a timid enemy.

It must be admitted that the French, who commenced these expeditions, did nothing to render themselves indurable. In the invectives of Andronicus Comnenus against us⁹ we see, at bottom, that the French did not restrain themselves when in a foreign country, and that we possessed then the same defects of character for which we are reproached at the present time.

A French count proceeded to seat himself upon the throne of the emperor. "You ought to know," said Count Baldwin, taking him by the arm, "that when one is in a country he should observe its customs." "Indeed!" replied the other, "that is a fine clown to be seated here while so many captains are standing!"

The Germans, who passed through afterwards, and

⁹ *History of Alexius, his Father*, lib. x and xi.

who were the best people in the world, were subjected to a rough penance for the wild conduct of the French. They everywhere found that the minds of the Greeks had been revolted by the behavior of their predecessors.^{10 11}

Hate finally reached its height; and some bad treatment of Venetian merchants, combined with ambition, avarice, and false zeal, determined the French and the Venetians to enter upon a crusade against the Greeks.

They found the latter as little warlike as at a later period the Tartars found the Chinese. The French mocked their effeminate habiliments; they promenaded the streets of Constantinople, decked out in painted robes; they carried inkhorns and paper in their hands, in derision of a nation which had renounced the profession of arms;¹² and, after the war was over, they refused to admit any Greek whatever into their military service.¹³

They subdued the whole of the western part of the empire, and there elected the count of Flanders as emperor, whose remote states could not be the occasion of any jealousy in the minds of the Italians. The Greeks maintained themselves in the eastern part, separated from the Turks by the mountains and from the Latins by the sea.

¹⁰ NICETAS, *History of Manuel Comnenus*, lib. i.

¹¹ See my *Note* at the end of this chapter.—TRANSLATOR.

¹² NICETAS, *History*, after the capture of Constantinople, ch. ii.

¹³ For an idea of the contempt into which the Greek and Roman names sunk, see my *Note* at the end of this chapter.—TRANSLATOR.

The Latins, who had encountered no obstructions while effecting their conquests, met with an infinity of obstacles in the work of affirming their acquisitions. The Greeks returned from Asia into Europe, retook Constantinople, and recovered almost all they had lost in the West.

But this new Greek empire was no more than the phantom of the first. It possessed neither the same resources nor the same power. It held little in Asia except the provinces on this side of the Mæander and the Sangarius; and most of the European provinces were divided up into petty sovereignties. And it must be observed, in addition, that, during the sixty years that Constantinople had remained in the hands of the Latins, the conquered Greeks being dispersed, and the conquerors being occupied with the interests of war, commerce had passed entirely to the cities of Italy, and Constantinople had thus lost her wealth.

Even the internal commerce of the new empire was carried on by the Latins. The Greeks, newly re-established, and filled with fears, were willing to conciliate the Genoese by conceding to them the privilege of trading without the payment of duties;¹⁴ and the Venetians—who accepted no terms of peace, but agreed to some suspensions of hostilities, and whom the Greeks were unwilling to irritate—paid no more for the same privilege.

¹⁴ CANTACUZENE, lib. iv.

Although before the capture of Constantinople by the Latins, Manuel Comnenus had suffered the marine of the empire to fall into decay, yet, since commerce still existed, it was easy to re-establish it; but when, under the new empire, commerce itself was abandoned, the evil admitted no remedy, for the state was constantly growing weaker.

This empire, which dominated many islands, which was divided by the sea, and surrounded by it in many of its parts, was without vessels for the navigation of its own waters. The provinces were no longer in communication with each other; the inhabitants were obliged to retire further inland, in order to avoid the pirates; and, when they had done so, they were compelled to seek refuge in fortresses, in order to save themselves from the Turks.¹⁵

The Turks at this time carried on a singular war against the Greeks. Properly speaking, they hunted and chased them as game. Sometimes they traversed two hundred leagues of country for the purpose of perpetrating their ravages. As they were divided under many sultans, it was impossible, by means of presents, to make peace with all, and it was useless to do so with a part of them.¹⁶ They were inveterate Mohammedans; and their zeal for their religion imparted to them a marvelous zest in the work of ravaging the lands of the Christians. As they were,

¹⁵ PACHYMER, lib. vii.

¹⁶ CANTACUZENE, lib. iii, ch. xcvi; and PACHYMER, lib. xi, ch. ix.

besides, the ugliest people on earth—and as their women were as hideous as themselves¹⁷—from the moment that they had seen the Greek women they could no longer endure others; and thus they were prompted to the perpetration of continual abductions.¹⁸ In short, they had always been addicted to rapine; and they were those same Huns who had heretofore inflicted so many calamities upon the Roman empire.¹⁹

The Turks inundating all that remained of the Greek empire in Asia, such of the inhabitants as were able to effect their escape fled before them to

¹⁷ This gave room for that tradition of the North, related by the Goth Jornandes, that Philimer, king of the Goths, having entered into the territory of the Getæ, and having there found women who were sorcerers, he drove them far from his army; that they wandered into deserts, where incubi cohabited with them, from which intercourse sprang the nation of the Huns. *Genus ferocissimum, quod fuit primum inter paludes, minutum, tetrum, atque exile, nec alia voce notum, nisi quæ humani sermonis imaginem assignabat.*

¹⁸ MICHAEL DUCAS, *History of John Manuel, John and Constantine*, chap. ix. Constantine Porphyrogenitus, at the beginning of his *Excerpt from the Embassies*, warns the Romans that, whenever the barbarians visit Constantinople, they should be very careful not to show them the greatness of their wealth, nor allow them to see the beauty of their women.

¹⁹ The race identity of the Turks and the Huns has been maintained and denied. Milman rejects the theory of M. de Guignes, which had been followed by Gibbon, and which appears to have the effect of bringing the Huns and the Turks together in a common origin; and in rejecting this theory the learned editor fortifies his dissent with the authority of Schlozer, Klapproth, St. Martin, and A. Rémusat, who, he says, “concur in considering the Huns as belonging to the Finnish stock, distinct from the Moguls, the Mandscheus, and the Turks.” (Gibbon’s *Rome*, vol. iii, text and notes, pp. 15, 16.) Others, however, incline to the view that the two peoples in question are at least related, if not originally the same.—TRANSLATOR.

the Bosphorus; and those who found vessels sought refuge in the western part of the empire—a circumstance which considerably increased the population of the European provinces. But this population soon diminished. The civil wars which broke out were so furious that the two contending parties called in different Turkish sultans, subject to a condition as extravagant as barbarous—that all the inhabitants whom they might capture in the country belonging to the opposite party might be carried away into slavery;²⁰ and thus both the factions, with the view of ruining their enemies, concurred in the destruction of their nation.

Bajazet having subdued all the other sultans, the Turks would have then completed what they afterwards did under Mohammed II, if they had not themselves been on the verge of destruction at the hands of the Tartars.

I have not the heart to speak of the calamities which followed. I will only say that, under the last emperors, the empire of the East, reduced to the suburbs of Constantinople, ended as the Rhine—which is no more than a brook when it loses itself in the ocean.

²⁰ See the *History of the Emperors John Palæologus and John Cantacuzene*, written by Cantacuzene.

NOTE BY THE TRANSLATOR.

IN the course of his concluding chapter, Montesquieu either very briefly refers to, or merely hints at, several matters which, for completer general appreciation, will admit of some further remarks.

I. The crusades of Christianity against Mohammedanism were the most remarkable phenomena—as being upon the most extensive scale—that are to be found in the world's entire history of religious fanaticism. These great waves of invasion, precipitated from west to east, continued for about one hundred and seventy-five years,¹ with the final result—after enormous ruin and sacrifice of life—that Mohammedanism remained in firm possession of Asia—including the primitive seats of Christianity—while its antagonist was left to occupy Europe, and to extend itself over the new continents which were about to be discovered.

It is curious to reflect that both these great, active religions—which have engaged in such frightful contests in the past, and which have divided the larger

¹ From 1096 to 1272.

portion of the modern world between them—took their rise in the bosom of the same Asiatic race—Christianity among the Judaic, Mohammedanism among the Arabic, Semites. We have already seen that it was the Semitic race that gave birth to the worship of Moloch²—so wonderfully fecund of diverse religions has this race been, ranging in quality from the most abominable that the world has known to the one whose morals must coalesce with the last possible results of human development. What a prodigious interspace between the nadir and the zenith of the religious genius of the same race—the one extreme touching hell in its worship of Moloch, the other scaling the heaven of heavens in its doctrine of purity and charity!

II. The distinction which Montesquieu takes between the conduct of the Germans and that of the French during the crusades which they made against the East, and his remark about the French not restraining themselves “when in a foreign country,” leads me to observe that Voltaire is quite in the same vein in his estimate of some of the national traits of his own countrymen. Speaking of the capture of Constantinople by the crusaders in the year 1204, he says: “They entered the city almost without resistance; and, having killed all whom they met, they abandoned themselves to every excess of fury and avarice. Nicetas asserts that the booty of the French

² See pp. 103-105 of this volume.

seigniors alone was valued at two hundred thousand pounds weight of silver. The churches were pillaged; and—what sufficiently marks the character of the nation, which has never changed—the French danced with the women in the sanctuary of the church of Saint Sophia, whilst one of the prostitutes who followed the army of Baldwin sang the songs of her profession in the patriarchal pulpit. The Greeks had often called upon the holy Virgin while assassinating their princes; the French drank, sang, and caressed the girls in the cathedral while pillaging it; every nation has its character.”³

In view of the facts of modern history, we may safely infer that the persistent traits of national character which are so frankly confessed by Voltaire and Montesquieu have been, in the long run, a serious drawback upon the stable extension of French domination outside the limits of France.

III. Apropos of what Montesquieu says relative to the disdain which the crusading French and Venetians felt for the soldierly qualities of the Byzantine Greeks, it may be stated, in more general terms than he has employed, that history affords no more striking illustration of the mutations of time and fortune than is seen in the contempt into which both the Greek and the Roman name sunk in the estimation of the new nations that came forward to take the places of these fallen magnates of the past. \ We learn

³ *Ouvres Complètes de Voltaire*, tom. xxi, p. 50, Paris, 1828.

from Liutprand that, whenever the Lombards, Saxons, Franks, Burgundians, and other peoples desired to express their utmost scorn for an enemy, they resorted to no other term of reproach but to call him a *Roman*; and the bishop adds that “in this alone—that is, in the name of Roman—is comprehended whatever is ignoble, whatever is cowardly, whatever is avaricious, whatever is luxurious, whatever is mendacious, and, indeed, the sum of all the vices.”⁴ Milman remarks that this language of Bishop Liutprand was applied to “the *Byzantine* Romans”; but it expresses the exaggerated contempt which is always felt by rude and rising nations for those who retain a great name without possessing either the power, the influence, or the character with which it was once associated.⁵

IV. The words of Montesquieu respecting the long future continuance of the Turkish Empire, notwithstanding its weakness, have been prophetic for nearly one hundred and fifty years; the Crimean war of 1853–’56, with its resulting treaty of Paris, illustrates their sagacity—as does also the more recent Russo-Turkish war of 1877–’78, with its resulting Congress of Berlin; and the conflicting interests and jealousies of the great powers of Europe may, for a

⁴ *Hoc solo, id est Romanorum nomine, quicquid ignobilitatis, quicquid timiditatis, quicquid avaritiæ, quicquid luxuriæ, quicquid mendaciæ, immo quicquid vitiorum est comprehendentes*

⁵ See Gibbon’s *Rome*, vol. v, p. 22, and note 44, from which I have extracted a part of the text of Liutprand.

considerable time yet, maintain the ascendancy of the Porte upon both sides of the Bosphorus. But, in view of the influences which prescribe the flux and reflux of races, and especially in view of the forces which enter into the two types of civilization which touch each other, it seems eminently probable that, as the power of the Moor receded from Spain, the power of the Turk will ultimately recede from Eastern Europe; and that the Dardanelles—appointed by nature to be one of the greatest channels of intercommunication and commerce upon the globe—will be reclaimed by the Cross and dominated by the genius and energy of the Aryan race.

Europe's Eastern question is too remote from the circle of American interests to be of international concern to us, but it presents an intellectual and human interest which is commensurate with the limits of civilization—an interest which is deeply and intimately connected with that expansive exploration of the past which has been made in the course of this volume. Rome was the typical city of the ancient Latin civilization, Athens of the Grecian. After long abasement—after infinite confusion, struggle, and heroic aspiration—Rome stands again at the head of united Italy—one of the finest facts accomplished that the modern world has seen. After like abasement, struggle, and endeavor—but confronted by still more obstinately adverse conditions—Athens stands at the head of only a petty state. Historical pro-

priety, in common with the general interests of humanity, demands that the *renaissance* of these two famous headlights of the old Mediterranean world should be more equally proportioned. In their future dealings with the Eastern Question it appears to be the plain duty of the great powers of Europe to aid Athens in drawing to her center all the cognate elements which may naturally and fitly coalesce in the growing Greek state; so that, when this question shall have been finished—when the Mohamadan and the Christian of both rites shall have found their status of equilibrium—the new Hellenic civilization of the eastern peninsula shall be a fair counterpoise to the new Latin civilization of the western. If this great work shall come to be adequately achieved in both its parts, history will have witnessed one of its noblest consummations: the far gone and renowned past will have been fitly brought into bonds of visible union with the living and moving world.

CONCLUSION.

FROM the founding of Rome to the fall of Constantinople we reckon the exact term of two thousand two hundred and six years. It is over this ample period that Roman history is deemed to extend—first under the kings—then under the republic—then under a sole empire—then under the empire of the West and the empire of the East—and, finally, closing with the latter alone.

Viewed as a single phenomenon, that great section of universal history which is represented by the Romans follows the law which governs all vital and all social phenomena: it begins in weakness and it ends in weakness. A band of semi-savage adventurers pitch their camp among the hitherto unbroken woods and thickets that crown some volcanic hills upon the eastern bank of the Tiber. Such is the beginning of Roman greatness. Twenty-two centuries later, a solitary city, situated upon the western shore of the Thracian Bosphorus, and about to succumb to the Turk, represents all that remains of an empire which has absorbed hundreds of states, and extended its gigantic sway from the Atlantic to the Tigris.

Constantinople was finally captured by Mohammed II, in the year 1453—just thirty-nine years before Columbus discovered America, forty-four years before Vasco de Gama doubled the Cape of Good Hope, and little more than a half-century before the Revival of Learning in Europe had already given birth to the Reformation of Luther, and open promise of a coming intellectual emancipation and expansion which should be new to the world: so nearly synchronous were the closing scene of Roman history and the most fruitful achievements and events of modern times; the one dropping the curtain upon the greatest succession of human transactions that had place in the past, the other lifting it to an incom-

parably greater in the future. And thus it is, that the world is able to afford the death of its giants.

We have now finished the survey of this vast and checkered tableau, studying with Montesquieu its genius and spirit, and endeavoring, in a special manner of our own, to indicate its comparative value—and, withal, the comparative value of the ancient civilizations in general—upon the plane of the world's history.

The general effect has been that, whilst the Romans exerted a greater practical influence upon mankind than any other ancient people, their results—as, indeed, the results of all antiquity—must take a decidedly subordinate place when compared with the greatly larger and completer contents of modern civilization.

In the course of the wide retrospect which we have taken, we have had ample occasion to realize the delusion of that species of imagination which has ever been prone to obscure the goods and to magnify the ills of the present, whilst exalting the virtues and ignoring the ghastly realities of the past—thus inferring a painful and discouraging contrast between the actual time and bygone halcyon days which never had any real existence whatever—a species of delusion which we already find rebuked in the earliest records of human wisdom.*

* Say not thou, What is *the cause* that the former days were better than these? for thou dost not enquire wisely concerning this.—Ecclesiastes vii, 10.

We have very clearly seen that the actual way of the Romans, in common with the actual way of the ancient world in general, was unspeakably rough, hard, and cruel. We have gathered the distinct, rational impression, that the movement of the world's civilization, from the time of the primeval savagery of Europe to the present day, has been, so to speak, one continuous battle-journey, in which the forces presiding over the conflict have become less purely physical and animal, and more controlled by intelligence, justice, and mercy; and we may quite safely conclude that the very age in which we live—despite its enormous drawbacks—is at once more richly endowed in respect to knowledge and power, more tempered by liberty in respect to action and thought, more influenced by moral feeling in respect to justice and humanity, and, consequently, more comfortable in respect to human happiness, than any other age which our race has experienced in its long, embittered, and struggling career.

In this view—which is abundantly supported by the course of the world's history—we may justly draw encouragement from the feeling that the sun of hope casts its shadows behind and not before, and that we are moving in the direction of the light.

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